

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION

In Re:

Case No.: 21-50907-FJS

MIGUEL ANGEL SOSA AVILA
A/K/A MIGUEL ANGEL SOSA

Chapter 13

Debtor.

ELIZA SOSA, in her capacity as
Beneficiary of the ESTATE OF JUAN SOSA AVILA

Plaintiff,

v.

APN_____

Miguel Angel Sosa Avila
A/K/A Miguel Angel Sosa

Defendant.

COMPLAINT TO DETERMINE NONDISCHARGEABILITY OF DEBT
[11 U.S.C. § 523(a)(2)]

COMES NOW, plaintiff ELIZA SOSA, (Eliza) in her capacity as beneficiary of the Estate of Juan Sosa Avila (the “Estate”), by counsel, pursuant to 11 U.S.C. § 523(a)(2) and submits this complaint to determine the non-dischargeable nature of the fiduciary debt(s) now owed, or hereafter determined to be owed, to the Estate by defendant Miguel Angel Sosa Avila on the following grounds:

Parties

1. The Plaintiff, Eliza Sosa, (“Eliza Sosa”) is the widow of Juan Manuel Sosa Avila (“Juan Sosa”) and is a resident of Mexico. Pursuant to Virginia Code § 64.2-200(A)(1), Eliza Sosa is the intestate successor of Juan’s Estate.
2. Juan Sosa died intestate in the course of his employment on May 28, 2003, as a result of a commercial fishing accident.

3. Miguel Angel Sosa Avila (“Miguel Sosa”) is a resident of Hampton. Miguel Sosa was the brother of the decedent and was married to the Administratrix of the Estate, Michelle Sosa (“Michelle Sosa”), at the time of the events described in the Complaint.

4. On December 08, 2021 (the “Petition Date”), Miguel Sosa filed with this Court a voluntary petition under chapter 13 of the United States Bankruptcy Code.

5. R. Clinton Stackhouse, Jr. has been appointed to serve as trustee for the Debtor’s chapter 13 estate, pursuant to 11 U.S. Code § 1302.

Jurisdiction and Venue

6. This Court has jurisdiction over this “core proceeding” pursuant to 29 U.S.C §§ 1334(b) and 157(b)(2)(I). Venue properly lies in this district by virtue of 28 U.S.C. § 1409(a). This is an “adversary proceeding” with the meaning of Rule 7001(6) of the Federal Rule of Bankruptcy Procedure.

Factual and Procedural Background

7. Paragraphs 1 through 6 are incorporated by reference to this Section of the Complaint.

8. Juan Sosa Worked as a fisherman and died in course of employment on May 28, 2003, as a result of a commercial fishing accident. Juan Sosa died intestate, and left Eliza as his heir at law. This heir was listed by the Administratrix in her qualification Papers. At the time of his death, Eliza resided in Mexico.

9. Pursuant to the law of intestate succession, Juan Sosa surviving widow inherited his Estate. See Va. Code § 64.2-201. When Juan Sosa died, based on U.S. immigration law and a lack of funds for travel, Eliza Sosa was unable to come to the U.S. in order to qualify as the Administratrix of the Estate of her husband. Under these circumstances, Michelle Sosa assumed

the duties of Administratrix.

10. When he was not away for his job, Juan Sosa lived with his brother Miguel Sosa. Following Juan Sosa's death, Miguel Sosa and his wife, Michelle Sosa, took charge of Juan Sosa's personal affairs. After Michelle Sosa became the Administratrix of Juan Sosa's Estate in Hampton, Virginia, Michelle Sosa named Eliza Sosa as heir at law of Juan Sosa's Estate which she valued at less than \$10,000. (See Exhibit 1.) This exempted her from the bond. (See Exhibit 2.)

11. Based on information and belief, on January 27, 2004, as part of an insurance payout resulting from Juan Sosa's death, the law firm of Hunton & Williams issued a three-hundred thousand dollars (\$300,000.00) check to Michelle Sosa payable to the Estate account in the Bank of America in Norfolk, Virginia. (See Exhibit 3).

12. After depositing the check into the estate account, Michelle removed the funds from the estate account. Michelle Sosa Avila in conjunction with Miguel Sosa Avila used those funds to purchase the real estate holdings listed in the debtor's Chapter 13 Plan and listed in this Complaint in paragraph 13 below.

13. Miguel Sosa converted the \$300,000 payment made to the estate of Juan Sosa to his own use. Specifically using the proceeds to buy the following properties:

- A. 253 Beauregard Heights, Hampton, Virginia
- B. 1269 N. King St, Hampton, Virginia
- C. 112 Beverly Street, Hampton, Virginia
- D. 329 Walnut Street, Hampton, Virginia
- E. 400 Cedar Drive, Hampton, Virginia

F. 431 Walnut St, Hampton, VA

14. On February 9, 2015, Eliza Sosa, by counsel filed her Complaint against Miguel Sosa and Michelle Sosa in the Circuit Court of the City of Hampton to seek compensatory damages in the amount of \$300,000 plus costs and fees, and \$350,000 in punitive damages. (See Exhibit 4).

15. Subsequently, on March 26, 2018, the Court granted default judgment in favor of Eliza Sosa, and Ordered judgment against Miguel Sosa, in the amount of \$300,000 with interest from February 5, 2004, as well as the costs expended on behalf of Eliza Sosa. (See Exhibit 5).

16. The judgment against Defendant Debtor Miguel Sosa was recorded in the City of Hampton Clerk's office on April 9, 2018, with a judgment reference number 18-1321. (See Exhibit 6).

17. On February 28, 2019, Eliza Sosa, by counsel, filed a Complaint in the Circuit Court of the City of Hampton to appoint a Commissioner in Chancery in order to enforce the lien of Eliza Sosa's judgment against Miguel Sosa and submit a report on the properties listed in paragraph 13. (See Exhibit 7). Further Eliza Sosa requested that the Court award attorney's fees and costs in connection with the pursuit of this action, to include filing and service fees, title search fees, and the fees and costs of the Commissioner in Chancery appointed, and that the Court award such other relief as deemed just, necessary, and proper. (See Exhibit 7).

18. On June 5, 2020, Eliza Sosa, by counsel, motioned the Circuit Court of the City of Hampton for Entry of a Decree of Reference and the Court appointed J. Robert Harris, III, Esq. as a Commissioner in Chancery to report on the properties listed in paragraph 13. (See Exhibit 8). Accordingly, the Court granted the motioned and entered a Chancery Decree of Reference on August 12, 2020. (See Exhibit 9).

19. Commissioner Harris submitted his Report to the Court on June 14, 2021, recommending that the Plaintiff's relief be granted and that a Special Commissioner be appointed for the purpose of selling the Properties by means the Special Commissioner, with Court approval

deems appropriate to obtain the highest value from the Properties which are to be applied to the Special Commissioner's fees and toward payment of the Judgement. (See Exhibit 10).

20. On September 30, 2021, Eliza Sosa, by counsel filed a Motion for Decree Confirming Commissioner's Report and Ordering Sale. (See Exhibit 11). On December 6, 2021, the Court granted the Motion and Ordered the Sale of the properties listed in paragraph 13. The Court appointed Greg Blanchard, Esq. as Special Commissioner to oversee the sale of the properties.

21. Miguel Sosa filed a Notice of Bankruptcy Case Filing on December 8, 2021, staying the collections actions in Circuit Court of the City of Hampton.

22. Inclusive of interest, accruing at the statutory six percent (6.0%) per annum judgment rate (Va. Code § 6.1-330.54), the accumulated sum of \$ 607,211.6 remained due and owing to the Estate (and derivatively to the Beneficiary, Eliza Sosa) as of the Petition Date, exclusive of additional post-judgment attorney's fees, costs and interest accruing from and after the Petition Date.

Requested Relief – Fraud/Defalcation
11 U.S.C. §523(a)(2)

23. Paragraphs 1 – 22 are incorporated by reference to this Section of the Complaint.

24. Section 523(a)(2)(A) of the United States Bankruptcy Code excepts from discharge any debt:

“For money, property services, or extension, renewal, or refinancing of credit, to the extent obtained by false pretenses, a false representation, or actual fraud, other than a statement respecting the debtor's or an insider's financial condition;”

25. Creditor Eliza Sosa suffered a loss as a result of the theft and conversion of funds owed to her by the Administratrix. In this case Michelle and Miguel Sosa Avila conspired to deprive Eliza Sosa of her inheritance, then subsequently converted the funds paid for the death of her husband to use these funds for they're own benefit by purchasing the several properties listed in

this Complaint. This conversion by the Sosa's 's Defrauded the widow Eliza Sosa Avila of the funds to which she was intitled under Virginia laws concerning intestate succession. (See Virginia Code § 64.2-200(A)(1)).

26. Eliza Sosa through her counsel, has initiated a criminal investigation of Michelle and Miguel Sosa for embezzlement contained in this Complaint and he allegations have been reported to law enforcement.

WHEREFORE, Eliza Sosa respectfully requests this Court to enter an order determining Miguel Sosa's obligation to the Estate (and derivatively to the Beneficiary, Eliza Sosa) to be nondischargeable: (i) in the amount of \$301,211.06; (ii) PLUS additional interest accruing on the \$300,000 judgment amount of the State Court Order at the judgment rate of six percent (6.0%) per annum from February 5, 2004; (iii) PLUS the additional costs and attorney's fees of incurred by Eliza Sosa or the Estate relative to the filing and prosecution of this complaint; (iv) PLUS such other and further relief as is just and equitable.

**NOTICE OF HEARING ON COMPLAINT TO DETERMINE
NONDISCHARGEABILITY OF DEBT
[11 U.S.C. § 523(a)(2)]**

The Creditor has filed papers with the Court for Authority of COMPLAINT TO DETERMINE NONDISCHARGEABILITY OF DEBT.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you want to be heard on this matter, then **on or before twenty-one (21) days from the date appearing on this notice**, you or your attorney must:

[X] File with the Court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
600 Granby Street, Room 400
Norfolk, VA 23510-1915

You must also mail a copy to:

E. Wayne Powell, Esq.
Powell Law Group, P.C.
14407 Justice Rd.
Midlothian, VA 23113

Christian D. DeGuzman, Esq.
DeGuzman Law, PLLC
JANAF Building, Fifth Floor
5900 E. Virginia Beach Blvd., Suite 507
Norfolk, VA 23502

R. Clinton Stackhouse, Jr.
Chapter 13 Standing Trustee
7021 Harbour View Blvd., Suite 101
Suffolk, VA 23435

- [X] Attend a hearing to be scheduled at a later date. You will receive separate notice of hearing. If no timely response has been filed opposing the relief requested, the Court may grant the relief without holding a hearing.

- [] **ATTEND THE HEARING SET FOR:**
TAKE NOTICE that, pursuant to Norfolk Standing Order No. 20-4, the hearing on the COMPLAINT will be conducted remotely by Zoom for Government on _____ at _____ A.M. If you wish to appear at the hearing, please review Norfolk and Newport News Standing Order No. 20-4, available on the Court's website, for more information on how to appear at the hearing remotely.

Please refer to PROTOCOL EXHIBIT 2 for instructions on appearing at the hearing.

To Appear for your hearing, you must email a completed PDF-fillable request for (the "Zoom Request Form"), available on the Court's website at

<https://www.vaeb.uscourts.gov/sites/vaeb/files/ZoomRegistration.pdf> to:
EDVABK-ZOOM-Chief_Judge_Santoro@vaeb.uscourts.gov

This form must be emailed NO LATER THAN 2 BUSINESS DAYS PRIOR TO THE SCHEDULED HEARING.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought and may enter an order granting that relief.

A JURY TRIAL IS REQUESTED

Respectfully submitted,
ELIZA SOSA

By: 

DATED: 2 / 23 / 2022

E. Wayne Powell, Esq. (VSB# 19550)
Powell Law Group, P.C.
14407 Justice Rd.
Midlothian, VA 23113
P: 804-794-4030
F: 804-794-6576
wpowell@ewplg.com
Counsel for Eliza Sosa (Creditor)

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of February 2022, I caused a true and correct copy of the foregoing document to be electronically filed with the Clerk of this Court using the CM/ECF system, and such notification will be sent to all parties on the service list, including:

Christina D. DeGuzman, Esq.
DeGuzman Law PLLC
JANAF Office Building
5900 E. Virginia Beach Blvd, Suite 507
Norfolk, Virginia 23502
Counsel for Debtor

R. Clinton Stackhouse, Jr, Esq.
Chapter 13 Trustee
7021 Harbour View Blvd. Suite 101
Suffolk, Virginia 23435

John P. Fitzgerald, III, Esq.
US Trustee
Office of the US Trustee, Region 4-NN
200 Granby Street, Room 625
Norfolk, Virginia 23510

Miguel Angel Sosa Avila
253 Beauregard Heights
Hampton, VA 23669
Debtor (Notified via First-Class Mail, Pre-Paid)



Wayne Power, Esq. VSB 19550

LIST OF EXHIBITS

Exhibit#	Date	Description
1	12/31/2003	List of Heirs
2	07/03/2003	Certificate Appointing Michelle Sosa Administratrix
3	01/29/2004	Hunton & Williams Check No. 3336 for \$300,000.00
4	02/09/2015	Complaint in the City of Hampton Circuit Court
5	03/26/2018	Order For Default Judgement
6	04/09/2018	Docketed Judgment Lien
7	02/28/2019	Complaint in the Circuit Court of Hampton to Appoint a Commissioner in Chancery
8	06/05/2020	Motion For Decree of Reference
9	08/12/2020	Chancery Decree of Reference
10	06/14/2021	Report of Commissioner
11	12/06/2021	Motion for Decree Confirming Commissioner's Report and Ordering Sale

EXHIBIT 1

0300

Document

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PG 0002

03

**PLAINTIFF'S
EXHIBIT**LIST OF HEIRS
COMMONWEALTH OF VIRGINIACase No.: 03-651

Hampton Circuit Court

JUAN MANUEL SOSA
NAME OF DECEDENTMay 28, 2003
DATE OF DEATH

I/We, the undersigned, hereby state under oath that the following are all of the heirs of the Decedent:

NAMES OF HEIRS	ADDRESSES	RELATIONSHIP	AGE
ELIZA SOSA	PRIVADA REFORMA 323 COLONY CASCAJAL 89290 TAMPICO, MEXICO	WIFE	40

I/we am/are (please check one):

- ☐ Proponent(s) of the will (no qualification)
- ☒ Personal representative(s) of the decedent's estate
- ☐ Heir-at-law of intestate decedent (no qualification within 30 days following death)

Given under my/our hand this third day of July, 2003
DATEMICHELLE SOSA
PRINTED NAME OF SUBSCRIBER

PRINTED NAME OF SUBSCRIBER

PRINTED NAME OF SUBSCRIBER

State of Virginia

Hampton, to-wit:

Subscribed and sworn to before me by MICHELLE SOSA

this third day of July, 2003

My commission expires: December 31, 2003Michelle Sosa
SIGNATURE OF SUBSCRIBER

SIGNATURE OF SUBSCRIBER

SIGNATURE OF SUBSCRIBER

James P. Bohnaker
CLERK/DEPUTY CLERK/NOTARY PUBLICVIRGINIA: In the Clerk's Office of the Hampton Circuit Court this third day of July, 2003
the foregoing LIST OF HEIRS was filed and admitted to record.Teste: James P. Bohnaker
CLERKby James P. Bohnaker, Deputy ClerkFORM CC-1611 (w) (MASTER) PC 12/98
VA. CODE § 64.1-134

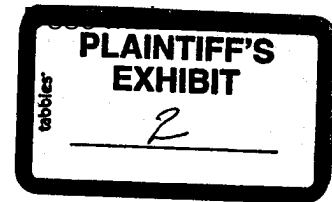
I certify that the document to which
this authentication is affixed is a
true copy of an original record in
the Hampton Circuit Court, that I
have the custody of the record and I
am the custodian of that record.

Linda Batchelor Smith, Clerk

By Linda Batchelor Smith

Deputy Clerk

EXHIBIT 2



CERTIFICATION OF OFFICIAL RECORD

Case No. 2003-278
AKA 2003-651

Va. Code §§8.01-389 & 8.01-391; U.S. Const. Art. IV, Sec. 1; 28 U.S.C. § 1738

HAMPTON _____ Virginia, Circuit Court

Clerk's Attestation

I, the Clerk of this Court, attest that the annexed

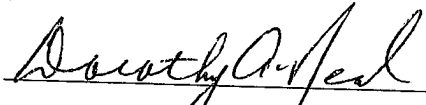
INTESTATE ORDER OF THE ESTATE OF JUAN MANUEL SOSA, DECEASED, DULY
RECORDED IN THIS OFFICE ON JULY 3, 2003 AS INSTRUMENT NO. 030001079, PAGE 1, AND A
LIST OF HEIRS RECORDED IN THIS OFFICE ON JULY 3, 2003 AS INSTRUMENT NO. 030001080,
PAGE 2, AND APPLICATION PAPER WORK.

DESCRIPTION OF ORIGINAL RECORD OR COPY

- ☐ is an official record of this Court in my custody.
☒ Is a true, correct and complete copy of an official record of this Court in my custody and I am the custodian of that record. The annexed copy has been examined and compared with the original.

Given under my hand the seal of this Court on

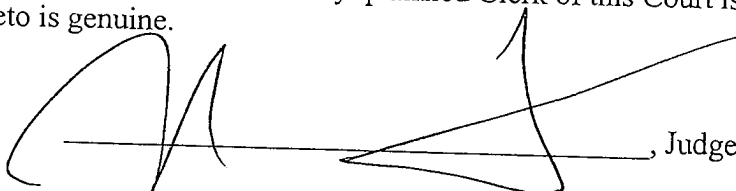
June 4, 2014
Date

 _____, Deputy Clerk
LINDA BATCHELOR SMITH
TYPED NAME OF CLERK

Judge's Certification

I, a Judge of this Court, certify that the above attestation of the duly qualified Clerk of this Court is in proper form, and that the signature thereto is genuine.

June 4, 2014
Date

 _____, Judge
WILFORD TAYLOR, JR.
TYPED NAME OF JUDGE

Clerks of Virginia Courts: When an original record or copy of a record is transmitted to another Va. Court, only the clerk's attestation is required. When either an original record or copy is transmitted to a court outside Virginia, both the clerk's attestation and the judge's certification are required.

Clerks of Other Courts: The above attestation, the affixing of the Court's seal, and the certificate meet the requirements of 28 U.S.C. § 1738, entitling the record so attested and certified to full faith and credit.

030001079



IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE CITY OF HAMPTON, VIRGINIA, ON JULY 3RD, A.D. 2003

COURT FILE NO. 2003-278

IN RE: JUAN MANUEL SOSA, Deceased

It appearing that JUAN MANUEL SOSA, resided at 100 EAST CARROLL STREET, in the City of Hampton, Virginia, within the jurisdiction of this Court, and died intestate on May 28, 2003, on motion of MICHELLE SOSA, it is ORDERED that MICHELLE SOSA is hereby appointed administrator of the estate of JUAN MANUEL SOSA, deceased.

MICHELLE SOSA then appeared, made oath as the law directs, and acknowledged a bond as administrator in the penalty of \$100.00. The bond, being payable and conditioned according to law, is ORDERED to be recorded.

Certificate is GRANTED MICHELLE SOSA for obtaining letter of administration upon the personal estate of JUAN MANUEL SOSA, in due form.

The statement of responsibilities required by Sec. 64.1-122.1, Code of Virginia was given to the Administrator. The written notice of probate referred to in Section 64.1-122.2, Code of Virginia, are not required in this estate pursuant to Sec. 64.1-122.2 (B).

Given under my hand this 3rd day of July, 2003.

JAMES P. BOHNAKER, CLERK

 , Clerk

I certify that the document to which this authentication is affixed is a true copy of an original record in the Hampton Circuit Court and I have the custody of the record and I am the custodian of that record.

Linda Batchelor Smith, Clerk

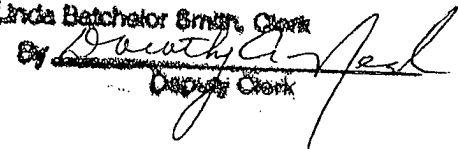
By  Deputy Clerk

EXHIBIT 3

ESTATE OF JUAN M. SOA
 2 Pecan Street
 Hampton, VA 23069

COPY

USE CHECKS SINGLE ON A FACH LIST

DEPOSIT TICKET

DATE 1/29/04
 CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS
 OF THE NATIONAL COMMERCIAL CODE OR ANY APPLICABLE COLLECTION AGREEMENT.
 DEPOSITS MAY NOT BE AVAILABLE FOR WITHDRAWAL.

USE OTHER SIDE FOR
 ADDITIONAL LISTING.
 BE SURE EACH ITEM IS
 PROPERLY ENDORSED.

TOTAL ITEMS

CHECKS

300,000.00

TOTAL FROM
 OTHER SIDE

\$

300,000.00

Bank of America

⑆540530108⑆ 004130282927⑈

HUNTON & WILLIAMS

ESCROW ACCOUNT
 SUNTRUST CENTER
 SUITE 1000
 300 EAST MAIN STREET
 NORFOLK, VIRGINIA 23510
 TEL. 757-640-5300

DATE	INVOICE	AMOUNT
01/27/04	210127	300,000.00
		300,000.00

68-24514

3336

PAY Three Hundred Thousand and no/100

MEMO	TO THE ORDER OF	DATE	CHECK AMOUNT	DOLLARS
	Michelle Soa, as Administrator of the Estate of Juan Manuel Soa	01/27/04	300,000.00	300,000.00

HUNTON & WILLIAMS

VOID AFTER 90 DAYS

SUNTRUST NORFOLK, VIRGINIA

[Signature]

⑈003336⑈ ⑆051400345⑆ 000524780⑈

EXHIBIT 4

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF HAMPTON

CRUZ ELISA MATILDE DE SOSA
AKA ELIZA SOSA,
Plaintiff,

v.

MICHELLE IRENE SOSA,
Administratrix for the Estate of
Juan Manuel Sosa Avila, and

MIGUEL SOSA AVILA,
Defendants.

Case No.: _____

COMPLAINT

COMES NOW the Plaintiff, by Counsel, and states his Complaint against the Defendants as follows:

PARTIES

1. The Plaintiff, Cruz Elisa Matilde de Sosa, ("Eliza Sosa") is the widow of Juan Manuel Sosa Avila ("Juan Sosa") and is a resident of Mexico. Pursuant to Virginia Code § 64.2-200(A)(1), Eliza Sosa is the intestate successor of Juan Sosa's Estate. ("The Estate").
2. Both Defendants are residents of Hampton, VA.
 - A. Miguel Angel Sosa Avila, ("Miguel Sosa") was the brother of the decedent and was married to Michelle Sosa at the time of the events described in the Complaint.
 - B. Michelle Irene Sosa, ("Michelle Sosa") was qualified as Administratrix to the Estate of Juan Sosa Avila on July 3rd, 2003. (Exhibit 1 attached)

JURISDICTION AND VENUE

3. Paragraphs 1-2 are incorporated by reference to this section of the Complaint.

4. All the events of this Complaint took place in the City of Hampton.
5. Jurisdiction is proper under Virginia Code § 8.01-328.1(6), because the Defendants' tortious acts and omissions took place while they resided in Hampton, Virginia.
6. Under Virginia Code § 8.01-262(4), venue is proper, because the causes of action listed in the Complaint arose in Hampton. The Defendants reside in Hampton where the Defendant Michelle Sosa qualified as Administratrix and where Juan Sosa lived at the time of his death.

FACTS

7. Paragraphs 1 through 6 are incorporated by reference to this Section of the Complaint.
8. Juan Sosa worked as a fisherman and died in course of employment on May 28th, 2003, as a result of a commercial fishing accident. Juan Sosa died intestate, and left Eliza Sosa as his heir at law. This heir was listed by the Administratrix in her qualification papers. (See Exhibit 1). At the time of his death, Juan Sosa's widow resided in Mexico.
9. Pursuant to the law of intestate succession, Juan Sosa surviving widow inherited his Estate. See Va. Code § 64.2-201. When Juan Sosa died, based on U.S. immigration law and a lack of funds for travel, Eliza Sosa was unable to come to the U.S. in order to qualify as the Administratrix of the Estate of her husband. Under these circumstances, Michelle Sosa assumed the duties of Administratrix.
10. When he was not away for his job, Juan Sosa lived with his brother Miguel Sosa. Following Juan Sosa's death, Miguel Sosa and his wife, Michelle Sosa, took charge of Juan Sosa's personal affairs. After Michelle Sosa became the Administratrix of Juan Sosa's Estate in Hampton, Michelle Sosa named Eliza Sosa as heir at law of Juan Sosa's Estate which she valued at less than \$10,000. (See Exhibit 1.) This exempted her from the bond. (See Exhibit 2.)

11. Based on information and belief, on January 27th 2004, as part of an insurance payout resulting from Juan Sosa's death, the law firm of Hunton & Williams issued a three-hundred thousand dollars (\$300,000.00) check to Michelle Sosa payable to the Estate account in the Bank of America in Norfolk, Virginia. (See Exhibit 3).
12. As Administratrix, Michelle Sosa received the check and deposited it into the Estate Account, but failed to disperse any of the money to the Plaintiff as the heir of the decedent. To date, Michelle Sosa has:
 - A. Taken \$50,000.00 from the Estate and bought a truck for Miguel Sosa;
 - B. Never filed an accounting of the \$50,000.00 expenditure; and
 - C. Failed to indicate in any Estate disclosure and failed to file the required accounting for the remaining \$250,000.00.
13. Based on information and belief, the Plaintiff alleges that Michelle Sosa and Miguel Sosa enriched themselves by using the proceeds of the Estate for their own benefit to purchase personal and real estate properties in Hampton.
14. The Estate remains in probate and probate has not been completed at the time of the filing of this lawsuit.

COUNT ONE
CONVERSION BY MICHELLE SOSA AND MIGUEL SOSA

15. Paragraphs 1-14 are incorporated by reference to Count One.
16. Pursuant to § 64.2-200, the law regarding interstate succession, Michelle Sosa had an expectancy and interest in the \$300,000.00 check deposited in Juan Sosa's Estate account. There has never been disclosure of the \$300,000.00 deposit by defendant Michelle Sosa and she hasn't accounted for any disbursements in the estate.

17. Defendants Michelle and Miguel Sosa wrongfully deprived Plaintiff of her interest in the Estate when they bought a \$50,000.00 truck using money from The Estate funds.
18. Based on information and belief, Michelle and Miguel Sosa further benefited from the purchase of several properties in Hampton from the use of the \$300,000.00 from the Estate.
19. Defendants Michelle and Miguel Sosa consciously disregarded the Plaintiff's rights as a beneficiary. The Defendants conduct reflects actual malice to deprive Plaintiff of her interests in the Estate.

COUNT TWO
FIDUCIARY CONVERSION BY ADMINSTRATRIX

20. Paragraphs 1-19 are incorporated by reference to Count Two.
21. Pursuant to § 64.2-200 on intestate Estate succession, Michelle Sosa had an expectancy and an interest over the \$300,000.00 of Juan Sosa's Estate.
22. Administratrix Michelle Sosa wrongfully deprived Plaintiff of her interest in the Estate when she diverted and converted the \$300,000.00 from the Estate and used it to purchase personal and real property, including a truck she purchased for Miguel Sosa. Michelle Sosa further failed to account for the \$300,000.00 or any part of this amount in any report to the Commissioner of Accounts as required by Virginia Code § 64.2-200.
23. Based on information and belief, Michelle Sosa used the funds to purchase personal and real properties in and around Hampton or in other locales for her sole use, or the use of her husband Miguel Sosa.
24. Despite her fiduciary duty to the heir of the Estate, Administratrix Michelle Sosa consciously disregarded the Plaintiff's rights as the sole beneficiary of Juan Sosa's Estate. The Defendants' conduct reflects actual malice to deprive Plaintiff of her interest in the Estate.

COPIES

COUNT THREE
FRAUD BY ADMINISTRATRIX

25. Paragraphs 1-24 are incorporated by reference to Count Three.
26. Administratrix Michelle Sosa made false representations and further suppressed information about the status of the Estate of Juan Sosa from the Plaintiff.
27. Michelle Sosa had knowledge of material facts that pertained to the disposition of the \$300,000.00 in which the Plaintiff had an interest as the sole intestate successor to the Estate.
28. Michelle Sosa intentionally and knowingly suppressed information about the status of the Estate with the intent to mislead the Plaintiff about the value of the Estate and the Plaintiff's entitlement to the proceeds of the \$300,000.00 check.
29. Plaintiff reasonably relied on Michelle Sosa who had the duty to the Plaintiff to fulfill her duties as an Administratrix with regards to the Estate and to disclose all necessary material information to the Plaintiff as Administratrix of the Estate. Because the Plaintiff was a citizen and resident of Mexico, she was required to rely on the competent performance of Michelle Sosa's duties as Administratrix of the Estate.
30. As a result of Michelle Sosa's fraud, Plaintiff did not receive any of the proceeds of the \$300,000.00 of the decedent's Estate.

COUNT FOUR
BREACH OF FIDUCIARY DUTY

31. Paragraphs 1-30 are incorporated by reference to Count Four.
32. When Michelle Sosa became the Administratrix of the Estate, she undertook a fiduciary duty to the Estate and its beneficiary to fully appraise and disclose the assets of the Estate to the heir at law and to distribute the assets of the Estate to the rightful heir pursuant to the law pertaining to intestate succession.

COPY

33. Michelle Sosa breached her fiduciary duties to the Plaintiff in so far as she: (A) failed to disclose or distributed the assets of the Estate to the Plaintiff; (B) concealed the status of the Estate from the Plaintiff, specifically the status of the \$300,000.00, (C) failed to disclose the disposition of those funds; and (D) failed to disclose the particular manner in which Michelle Sosa personally benefited from the funds by taking the money for her own use and for the use and benefit of her husband, Miguel Sosa.

COUNT FIVE
PUNATIVE DAMAGES

34. Paragraphs 1 to 33 are incorporated by reference to Count Five.

35. The actions taken by the Defendant Michelle Sosa in this lawsuit rise to the level of egregiousness by her: (1) failure to disclose the Estates assets; (2) failure to distribute the Estate's assets in accordance with the law; (3) and her actions of concealing the disposition of the Estate's assets that her actions shock the conscience of reasonable people and show willful and wanton disregard for the rights of the rightful heir and beneficiary of the assets of the Estate, Eliza Sosa.

36. Likewise, the Administratrix and the Defendant Miguel Sosa showed willful and wanton disregard for the rights of the rightful heir of the Estate, Eliza Sosa.

37. Accordingly, based on the acts and omissions of the Defendants, the Plaintiff seeks judgment against the Defendants, jointly and severally, for punitive damages in the amount of three-hundred and fifty thousand dollars (\$350,000.00).

CONCLUSION

WHEREFORE, the Plaintiffs prays that this Court grant judgment against Defendants Miguel Sosa and Michele Sosa, jointly and severally, in the amount of \$300,000.00 in compensatory damages plus her costs and fees in pursuing this action, and any further relief as

equity may require. Furthermore the Plaintiff asserts that Michelle Sosa and Miguel Sosa's conduct shocks the conscience and they acted in such a willful and wanton manner in disregarding the rights of the Plaintiff, that they should be liable jointly and severally to pay punitive damages in the amount \$350,000.00 in addition to the compensatory damages sought.

TRIAL BY JURY IS REQUESTED.

Respectfully Submitted,

CRUZ ELIZA MATILDE DE SOSA,
AKA ELIZA SOSA

By: 

Counsel

Wayne Powell, Esq. (VSB No.: 19550)
Megan L. Miles, Esq. (VSB No.: 84214)
Powell Law Group, PC
14407 Justice Road
Midlothian, Virginia 23113
Telephone: (804) 794-4030
Fax: (804) 794-6576

0300

Document

Page 25 of 120

PG 0002

03

**PLAINTIFF'S
EXHIBIT**LIST OF HEIRS
COMMONWEALTH OF VIRGINIACase No.: 03-651

Hampton Circuit Court

JUAN MANUEL SOSA
NAME OF DECEDENTMay 28, 2003
DATE OF DEATH

I/We, the undersigned, hereby state under oath that the following are all of the heirs of the Decedent:

NAMES OF HEIRS	ADDRESSES	RELATIONSHIP	AGE
ELIZA SOSA	PRIVADA REFORMA 323 COLONY CASCAJAL 89290 TAMPICO, MEXICO	WIFE	40

I/we am/are (please check one):

- ☐ Proponent(s) of the will (no qualification)
- ☒ Personal representative(s) of the decedent's estate
- ☐ Heir-at-law of intestate decedent (no qualification within 30 days following death)

Given under my/our hand this third day of July, 2003
DATEMICHELLE SOSA
PRINTED NAME OF SUBSCRIBER

PRINTED NAME OF SUBSCRIBER

PRINTED NAME OF SUBSCRIBER

State of Virginia

Hampton, to-wit:

Subscribed and sworn to before me by MICHELLE SOSA
this third day of July, 2003My commission expires: December 31, 2003Michelle Sosa
SIGNATURE OF SUBSCRIBER

SIGNATURE OF SUBSCRIBER

SIGNATURE OF SUBSCRIBER

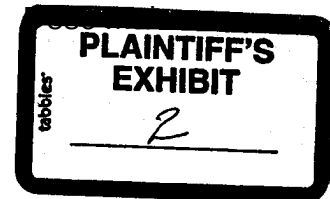
James P. Bohnaker
CLERK/DEPUTY CLERK/NOTARY PUBLICVIRGINIA: In the Clerk's Office of the Hampton Circuit Court this third day of July, 2003
the foregoing LIST OF HEIRS was filed and admitted to record.Teste: James P. Bohnaker
CLERKby James P. Bohnaker, Deputy ClerkFORM CC-1611 (w) (MASTER) PC 12/98
VA. CODE § 64.1-134

I certify that the document to which
this authentication is affixed is a
true copy of an original record in
the Hampton Circuit Court, that I
have the custody of the record and I
am the custodian of that record.

Linda Batchelor Smith, Clerk

By Linda Batchelor Smith

Deputy Clerk



CERTIFICATION OF OFFICIAL RECORD

Case No. 2003-278
AKA 2003-651

Va. Code §§8.01-389 & 8.01-391; U.S. Const. Art. IV, Sec. 1; 28 U.S.C. § 1738

HAMPTON _____ Virginia, Circuit Court

Clerk's Attestation

I, the Clerk of this Court, attest that the annexed

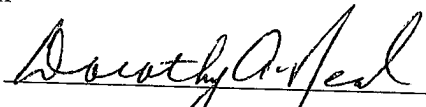
INTESTATE ORDER OF THE ESTATE OF JUAN MANUEL SOSA, DECEASED, DULY
RECORDED IN THIS OFFICE ON JULY 3, 2003 AS INSTRUMENT NO. 030001079, PAGE 1, AND A
LIST OF HEIRS RECORDED IN THIS OFFICE ON JULY 3, 2003 AS INSTRUMENT NO. 030001080,
PAGE 2, AND APPLICATION PAPER WORK.

DESCRIPTION OF ORIGINAL RECORD OR COPY

- ☐ is an official record of this Court in my custody.
☒ Is a true, correct and complete copy of an official record of this Court in my custody and I am the custodian of that record. The annexed copy has been examined and compared with the original.

Given under my hand the seal of this Court on

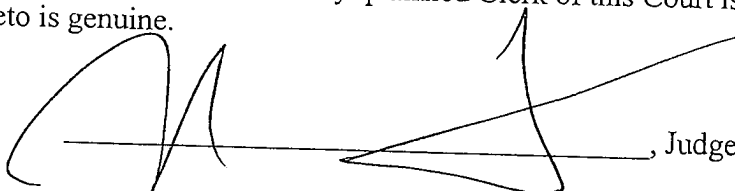
June 4, 2014
Date

 _____, Deputy Clerk
LINDA BATCHELOR SMITH
TYPED NAME OF CLERK

Judge's Certification

I, a Judge of this Court, certify that the above attestation of the duly qualified Clerk of this Court is in proper form, and that the signature thereto is genuine.

June 4, 2014
Date

 _____, Judge
WILFORD TAYLOR, JR.
TYPED NAME OF JUDGE

Clerks of Virginia Courts: When an original record or copy of a record is transmitted to another Va. Court, only the clerk's attestation is required. When either an original record or copy is transmitted to a court outside Virginia, both the clerk's attestation and the judge's certification are required.

Clerks of Other Courts: The above attestation, the affixing of the Court's seal, and the certificate meet the requirements of 28 U.S.C. § 1738, entitling the record so attested and certified to full faith and credit.

030001079



IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE CITY OF HAMPTON, VIRGINIA, ON JULY 3RD, A.D. 2003

COURT FILE NO. 2003-278

IN RE: JUAN MANUEL SOSA, Deceased

It appearing that JUAN MANUEL SOSA, resided at 100 EAST CARROLL STREET, in the City of Hampton, Virginia, within the jurisdiction of this Court, and died intestate on May 28, 2003, on motion of MICHELLE SOSA, it is ORDERED that MICHELLE SOSA is hereby appointed administrator of the estate of JUAN MANUEL SOSA, deceased.

MICHELLE SOSA then appeared, made oath as the law directs, and acknowledged a bond as administrator in the penalty of \$100.00. The bond, being payable and conditioned according to law, is ORDERED to be recorded.

Certificate is GRANTED MICHELLE SOSA for obtaining letter of administration upon the personal estate of JUAN MANUEL SOSA, in due form.

The statement of responsibilities required by Sec. 64.1-122.1, Code of Virginia was given to the Administrator. The written notice of probate referred to in Section 64.1-122.2, Code of Virginia, are not required in this estate pursuant to Sec. 64.1-122.2 (B).

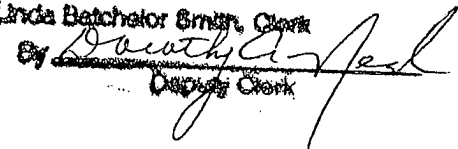
Given under my hand this 3rd day of July, 2003.

JAMES P. BOHNAKER, CLERK

 , Clerk

I certify that the document to which this authentication is affixed is a true copy of an original record in the Hampton Circuit Court and I have the custody of the record and I am the custodian of that record.

Linda Batchelor Smith, Clerk

By  Deputy Clerk

ESTATE OF JUAN M. SOGA
2 Pecan Street
Hampton, VA 23060

LIST CHECKS SEPARATELY ON ATTACHED LIST

CURRENCY

COIN

CHECKS

USE OTHER SIDE FOR
ADDITIONAL LISTING.
BE SURE EACH ITEM IS
PROPERLY ENDORSED.

TOTAL ITEMS

TOTAL FROM
OTHER SIDE

300,000.00

\$ 300,000.00

Bank of America

DEPOSIT TICKET

DATE

1/27/04

CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS
OF THE UNIFORM COMMERCIAL CODE OR ANY APPLICABLE COLLECTION AGREEMENT.
DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL.

⑆540530⑆08⑆ 004130282927⑈

HUNTON & WILLIAMS

ESCROW ACCOUNT
SUNTRUST CENTER
SUITE 1000
500 EAST MAIN STREET
NORFOLK, VIRGINIA 23510
TEL 757-640-5300

DATE	INVOICE	AMOUNT
01/27/04	210127	300,000.00
		300,000.00

68-24514

3336

PAY Three Hundred Thousand and no/100

MEMO	TO THE ORDER OF	DATE	CHECK AMOUNT	DOLLARS
	Michelle Sosa, as Administrator of the Estate of Juan Manuel Sosa	01/27/04	300,000.00	us

HUNTON & WILLIAMS VOID AFTER 90 DAYS

SUNTRUST NORFOLK, VIRGINIA

⑈003336⑈ ⑆051400345⑆ 000524780⑈



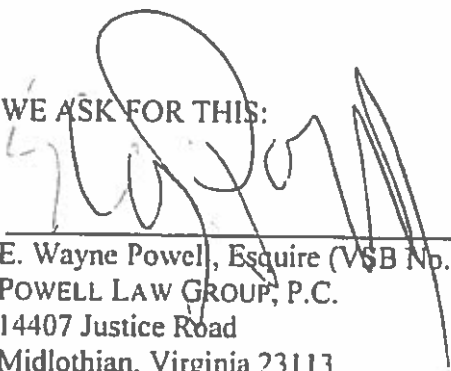
EXHIBIT 5

Accordingly, given the evidence of liquidated damages of \$300,000 payment to the Estate of Juan Manuel Sosa to which he was given which he allegedly converted to his own use, the COURT HEREBY GRANTS THE PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT. Further, the Court ORDERS judgment against the defendant Avila in the amount of \$300,000 with interest from February 5, 2004 as well as the costs expended on behalf of the plaintiff.

ENTERED: 3/26/18


JUDGE

WE ASK FOR THIS:


E. Wayne Powell, Esquire (VSB No.: 19550)
POWELL LAW GROUP, P.C.
14407 Justice Road
Midlothian, Virginia 23113
Telephone: (804) 794-4030
Facsimile: (804) 794-6576
Email: wpowell@ewplg.com
Counsel for Plaintiff

LINDA B. BATCHELOR SMITH, CLERK
CIRCUIT COURT CLERKS OFFICE
CITY OF HAMPTON VA

2018 MAR 26 AM 10:57

FILED

I certify that the document to which this authentication is affixed is a true copy of an original record in the Hampton Circuit Court, that I have the custody of the record and I am the custodian of that record.

LINDA BATCHELOR SMITH, CLERK

By 
Deputy Clerk

EXHIBIT 6



**City of Hampton
Office of the Clerk
Hampton Circuit Court
Linda Batchelor Smith, Clerk**



**P. O. Box 40
237 N. King Street • Hampton, VA 23669-0040
Telephone (757) 727-6105
Fax (757) 728-3505**

To: E. Wayne Powell, Esquire

Fax Number: (804) 794-6576

Date: September 13, 2019

**Re: Cruz Elisa Matilde De Sosa vs.
Michelle Sosa and Miguel Avila
CL15-306**

No. Of Pages (Including cover sheet) 2

FROM: Zyvonne Byrd

Contact Number: (757) 728-2438

This office is in receipt of you letter regarding the default judgment entered in this matter on March 26, 2018. Upon review of the file, it has been verified that the original order is, in fact, lodged in the file. The judgment was docketed on April 9, 2018. I have included a copy of such with this response.

If you have any further questions, please feel free to contact me at the above number.

CIVIL JUDGMENT

18-1321

CIVIL NO.: CL15-306

PLAINTIFF(S)		DEFENDANT(S)	
CRUZ ELISA MATILDE DE SOSA, AKA ELIZA SOSA		MICHELLE IRENE SOSA, ADMINISTRATRIX FOR THE ESTATE OF JUAN MANUEL SOSA AVILA AND MIGUEL SOSA AVILA	
		SSN :	
		DOB	
Attorney: E. Wayne Powell, Esquire		Attorney:	
Judgment Date: March 26, 2018	Date Docketed	Time Docketed:	
Court in which rendered? Circuit Court		Hmstd?	
Amount of Judgment:			
Judgment awarded against defendant, Miguel Sosa Avila in the amount of \$300,000 with interest from 02/05/04 and costs expended on behalf of the plaintiff.			
		Costs	

Payment or Discharge and By Whom	Date	Amount
		\$
		\$
		\$
		\$

EXECUTIONS

Date	Nature	To Whom It May Concern	Return Date	Nature of Return	Additional

APR 9 2020 10:21 AM
CIRCUIT COURT CLERK'S OFFICE
CITY OF HAMPSHIRE, VA

FILED

EXHIBIT 7

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF HAMPTON

CRUZ ELISA MATILDE DE SOSA,)
AKA ELIZA SOSA,)
Plaintiff,)

v.)

Case No.: _____

MICHELLE IRENE SOSA,)
An Individual,)
and)
MIGUEL SOSA AVILA,)
AKA MIGUEL A. SOSA,)
An Individual,)
and)
SAMUEL I. WHITE, P.C.,)
Trustee,)
and)
NECTAR PROJECTS INC.,)
Trustee,)
and)
EQUITY TRUSTEES, LLC,)
Trustee,)
and)
PRLAP, INC.,)
Trustee,)
and)
MIDLAND FUNDING LLC,)
Judgment Creditor,)
and)
TIDEWATER FAMILY HEALTH)
CENTERS LTD.,)
Judgment Creditor,)
and)
FEDERAL NATIONAL MORTGAGE)
ASSOCIATION,)
Creditor,)
and)
BANK OF AMERICA, N.A.,)
Creditor,)
and)
SELECT PORTFOLIO SERVICING,)
INC.,)
Creditor,)
Defendants.

COMPLAINT

COMES NOW, Cruz Elisa Matilde de Sosa, also known as Eliza Sosa, hereinafter “the Plaintiff”, by and through Counsel, and respectfully represents unto this Court the following:

1. The Plaintiff obtained judgment against Defendants Michelle Irene Sosa and Miguel Sosa Avila, also known as Miguel A. Sosa, (“Defendant Debtors”) in the Circuit Court of the City of Hampton in the amount of \$300,000.00 plus interest from February 5, 2004, at the judgment rate of interest of 6% per annum until paid, and costs. Defendants jointly and severally now owe to Plaintiff \$571,704.21 as of February 11, 2019.
2. The judgment against Defendant Debtor Michelle Irene Sosa was obtained on July 31, 2017, and was recorded in the City of Hampton Clerk’s office on August 7, 2017, with a judgment reference number 17-2511. *See Exhibit A.*
3. The judgment against Defendant Debtor Miguel Sosa Avila was obtained on March 26, 2018, and was recorded in the City of Hampton Clerk’s office on April 9, 2018, with a judgment reference number 18-1321. *See Exhibit B.*
4. The Defendant Debtor Miguel A. Sosa is seized and possessed of a certain tract of land, with improvements thereon, situated in the City of Hampton, Virginia, commonly known as 253 Beauregard Heights, Hampton, Virginia 23669, which is also the address for tax mailings (“Property One”). Property One is more particularly described in *Exhibit C.*
5. Defendant Samuel I. White, P.C. is a Trustee for the Deed of Trust acquired on Property One by Defendant creditor Federal National Mortgage Association, dated July 17, 2013, and recorded August 13, 2013 in the Clerk’s Office, Circuit Court of the City of Hampton, Virginia, Instrument number 080011400; the Deed of Trust being a lien on the

realty as described above in paragraph four, to secure the payment of a note in the principal sum of \$203,100.00. *See Exhibit D.*

6. The Defendant Debtor Miguel A. Sosa is seized and possessed of a certain tract of land, with improvements thereon, situated in the City of Hampton, Virginia, commonly known as 1269 North King Street, Hampton, Virginia 23669, which is also the address for tax mailings ("Property Two"). Property Two is more particularly described in *Exhibit E*.
7. Defendant Nectar Projects, Inc. is a Trustee for the Deed of Trust acquired on Property Two by Defendant creditor Select Portfolio Servicing, Inc., dated August 14, 2006, and recorded August 15, 2006 in the Clerk's Office, Circuit Court of the City of Hampton, Virginia, Instrument number 060019562; the Deed of Trust being a lien on the realty as described above in paragraph four, to secure the payment of a note in the principal sum of \$124,000.00. *See Exhibit F.*
8. The Defendant Debtor Miguel A. Sosa is seized and possessed of a certain tract of land, with improvements thereon, situated in the City of Hampton, Virginia, commonly known as 400 Cedar Drive, Hampton, Virginia 23666 ("Property Three"). Property Three is more particularly described in *Exhibit G*.
9. Defendant Equity Trustees, LLC, is a Trustee for a credit line Deed of Trust acquired on Property Three by Defendant creditor Bank of America, N.A., dated June 5, 2006, and recorded August 11, 2006 in the Clerk's Office, Circuit Court of the City of Hampton, Virginia, Instrument number 060020935; the credit line Deed of Trust being a lien on the realty as described above in paragraph four, to secure the payment of a note in the principal sum of \$70,000.00. *See Exhibit H.*

10. The Defendant Debtor Miguel A. Sosa is seized and possessed of a certain tract of land, with improvements thereon, situated in the City of Hampton, Virginia, commonly known as 112 Beverly Street, Hampton, Virginia 23669 ("Property Four"). Property Four is more particularly described in *Exhibit I*.
11. Defendant PRLAP, Inc., is a Trustee for a credit line Deed of Trust acquired on Property Four by Defendant creditor Bank of America, N.A., dated June 5, 2006, and recorded August 9, 2006 in the Clerk's Office, Circuit Court of the City of Hampton, Virginia, Instrument number 060020687; the credit line Deed of Trust being a lien on the realty as described above in paragraph four, to allow for an open line of credit up to a limit of \$90,000.00. *See Exhibit J*.
12. The Defendant Debtor Miguel A. Sosa is seized and possessed of a certain tract of land, with improvements thereon, situated in the City of Hampton, Virginia, commonly known as 329 Walnut Street, Hampton, Virginia 23669 ("Property Five"). Property Five is more particularly described in *Exhibit K*.
13. The above-described real estate in paragraphs four, six, eight, ten, and twelve (Properties One, Two, Three, Four, and Five) is encumbered by a lien, secondary in time to Plaintiff's lien on defendant debtors, from a judgment against Miguel Sosa Avila in the amount of \$3,193.45 including costs but not including interest, recorded in the Hampton General District Court on July 17, 2018, with a judgment reference number 18-2642. The judgment creditor is Midland Funding LLC. *See Exhibit L*.
14. The above described real estate in paragraph ten (Property Four) is encumbered by a lien created by a judgment against Michelle Irene Sosa in the amount of \$1,686.25 including

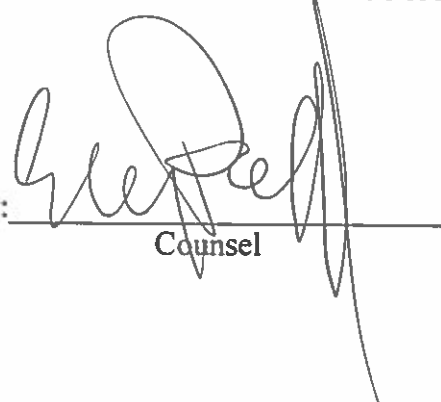
costs and fees but not including interest, recorded in the Hampton General District Court on May 8, 2003, with a judgment reference number 03-1676. The judgment creditor is Tidewater Family Health Centers, Ltd. *See Exhibit M.*

15. The above described real estate in paragraphs four, six, eight, ten and twelve is unencumbered by any other Deed of Trust or judgment, except for the Deeds of Trust described in paragraphs five and seven; the credit line Deeds of Trust described in paragraphs nine and eleven; the judgment liens described in paragraphs thirteen and fourteen; and the judgment of the Plaintiff herein.
16. The rents and profits accrued by Property One, Two, Three, Four, and Five, if the same is in fact rented, will not, within a five-year period, be sufficient to pay the lien against the real estate. *See Exhibits N-1 through N-5, respectively.*

WHEREFORE the Plaintiff prays that the Court will appoint a Commissioner in Chancery to take, make, and find all inquiries and accounts as directed by the Court herein, and all orders and decrees be made and entered in this cause to enforce the lien of Plaintiff's judgment against the subject real estate of the Defendant Debtors, and that if it shall appear that the rents and profits from this realty will not satisfy the judgment of Plaintiff and other creditors within a five-year period, that this real estate shall be sold to satisfy the judgment of the Plaintiff and other lienholders named herein.

FURTHER, Plaintiff prays that the Court award attorney's fees and costs in connection with the pursuit of this action, to include filing and service fees, title search fees, and the fees and costs of the Commissioner in Chancery appointed herein, and that the Court award such other relief as deemed just, necessary, and proper.

Respectfully Submitted,
CRUZ ELISA MATILDE DE SOSA

By: 
Counsel

E. Wayne Powell, Esq. (VSB# 19550)
Powell Law Group, PC
14407 Justice Road
Midlothian, Virginia 23113-6902
Phone: (804) 794-4030
Facsimile: (804) 794-657

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Complaint was mailed first class, postage prepaid, this 28th day of February to the following:

MICHELLE IRENE SOSA, An Individual,
253 Beauregard Hts.,
Hampton, Virginia 23669;

MIGUEL SOSA AVILA, AKA MIGUEL A. SOSA, An Individual,
253 Beauregard Hts.,
Hampton, Virginia 23669;

William Adam White, Registered Agent for:
SAMUEL I. WHITE, P.C., Trustee,
5040 Corporate Woods Dr.,
Suite 120,
Virginia Beach, VA 23462;

Tina B. McDaniel, Registered Agent for:
NECTAR PROJECTS INC., Trustee,
1402 Ribbon Limestone Terrace SE
Leesburg, VA 20175;

Howard N. Bierman, Registered Agent for:
EQUITY TRUSTEES, LLC, Trustee,
2101 Wilson Blvd.,
Suite 1004,
Arlington, VA 22201;

CT Corporation System, Registered Agent for:
PRLAP, INC., Trustee,
4701 Cox Road,
Suite 285,
Glen Allen, VA 23060;

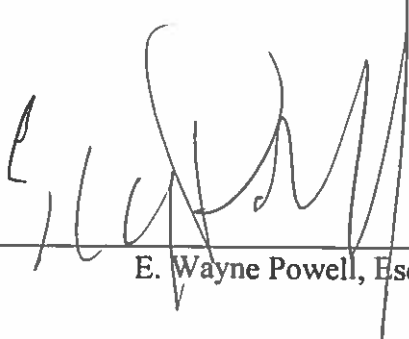
Corporation Service Company, Registered Agent for:
MIDLAND FUNDING LLC, Judgment Creditor
100 Shockoe Slip,
2nd Floor,
Richmond, VA 23219;

TIDEWATER FAMILY HEALTH CENTERS LTD., Judgment Creditor
P.O. Box 184,
White Marsh, VA 23183;

Ron Jean, Registered Agent for:
FEDERAL NATIONAL MORTGAGE ASSOCIATION, Creditor,
3900 Wisconsin Avenue NW,
Washington, D.C. 20016;

CT Corporation System, Registered Agent for:
BANK OF AMERICA, N.A., Creditor,
4701 Cox Road,
Suite 285,
Glen Allen, VA 23060;

Corporation Service Company, Registered Agent for:
SELECT PORTFOLIO SERVICING, INC., Creditor,
100 Shockoe Slip,
2nd Floor,
Richmond, VA 23219



A handwritten signature in black ink, appearing to read 'E. Wayne Powell', is written over a horizontal line. The signature is stylized with large, sweeping loops.

E. Wayne Powell, Esq.

E. Wayne Powell, Esq. (VSB# 19550)
Powell Law Group, PC
14407 Justice Road
Midlothian, Virginia 23113-6902
Phone: (804) 794-4030
Facsimile: (804) 794-6576

VIRGINIA:

IN THE CIRCUIT COURT OF HAMPTON COUNTY

**CRUZ ELISA MATILDE DE SOSA,
AKA ELIZA SOSA,
Plaintiff,**

V.

Case No.: CL15-306

MICHELLE IRENE SOSA,
Administratrix for the Estate of
Juan Manuel Sosa Avila, and

MIGUEL SOSA AVILA
Defendants,

ORDER

Comes now the plaintiff, by counsel, to argue his Motion for Summary Judgment pursuant to Rule 3:20, against the administrator and defendant in the case, Michelle Irene Sosa, *pro se* for the reasons set forth in the motion. Accompanying the motion are the various exhibits among which are Requests for Admission requesting that the defendant Michelle Irene Sosa admit or deny that she did not disburse funds from a \$300,000.00 check she received for the Estate of the plaintiff's decedent, Juan Sosa, to the sole beneficiary, the plaintiff in this case, and other requests which pertain to check and cash disbursements which were never distributed to the plaintiff.

The court upon consideration of plaintiff's motion, with attachments and the parties argument, takes these Requests for Admissions attached as exhibits and not answered by the defendant Michelle Sosa, as admitted. Accordingly, the Court finds the following:

1. Michelle Irene Sosa was qualified as administratrix of the estate of Juan M. Sosa, on July 3, 2004.



2. The defendant, Michelle Irene Sosa, deposited a check in the amount of \$300,000 into the Estate Account of Juan Manuel Sosa Avila, on February 5, 2004.
3. Following the deposit of the check into the estate defendant Michelle Irene Sosa did not disburse or pay any of these funds to the statutory beneficiary, namely the plaintiff in this case, Eliza Sosa.

Based on these findings, the Court grants the Motion for Summary Judgment, and finds that there is no material fact genuinely in dispute, and that, accordingly, that the plaintiff, Eliza Sosa is entitled to the entry of an Order of Judgment against Michelle Sosa administratrix, in the amount of \$300,000 plus interest dating from February 5, 2004, plus costs expended in this case.

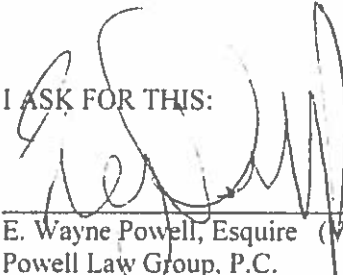
IT IS SO ORDERED.

ENTER: 



JUDGE

I ASK FOR THIS:



E. Wayne Powell, Esquire (VSB # 19550)
Powell Law Group, P.C.
14407 Justice Road
Midlothian, VA 23113
Phone: 804-794-4030
Facsimile: 804-794-6576
wpowell@ewplg.com

SEEN &

Michelle Irene Sosa, pro se
253 Beauregard Heights
Hampton, VA 23669

I object

Admitted
when to
dismiss said,
exception
noted,
all
2/23/22

I certify that the document to which
this authentication is affixed is a
true copy of an original record in
the Hampton Circuit Court, that I
have the custody of the record and I
am the custodian of that record.

Linda Batchelor Smith, Clerk

By Linda Batchelor Smith
Deputy Clerk

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF HAMPTON

CRUZ ELISA MATILDE DE SOSA,
AKA ELIZA SOSA,
Plaintiff,

v.

Case No.: CL15-306

MICHELLE IRENE SOSA,
Administratrix for the Estate of
Juan Manuel Sosa Avila,

and

MIGUEL SOSA AVILA,
Defendants.

ORDER FOR DEFAULT JUDGMENT

COMES BEFORE THE COURT this date the plaintiff, Cruz Elisa Matilde de Sosa ("Eliza Sosa"), by counsel, pursuant to Rule 3:19 of the Rules of the Supreme Court of Virginia and pursuant to the Plaintiff's Motion for this Court to enter Default Judgment against Defendant Miguel Sosa Avila, ("Avila") for the reasons set forth below:

1. On February 9, 2015, the Plaintiff filed her Complaint in this Court against Michelle Irene Sosa and Avila. (See Ex. 1)
2. Personal service effected on Sosa and Avila on January 21, 2016 and January 28, 2016, respectively.
3. Only Defendant Michelle Irene Sosa answered the Complaint in a letter sent to the Court, a copy of which was delivered to Plaintiff's Counsel on October 27, 2016.
4. The Plaintiff has alleged that Defendant Avila converted the \$300,000 payment made to the estate of Juan M. Sosa to his own use and has sought judgment against him and his wife, the administrator, jointly and severally, Avila has never responded to the Complaint.

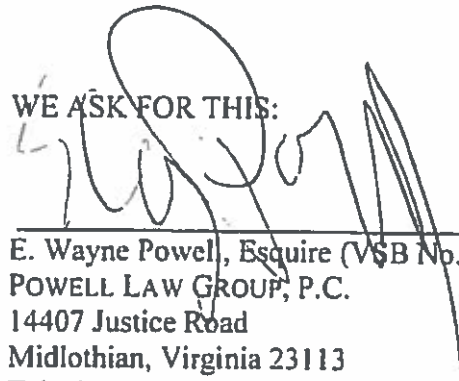


Accordingly, given the evidence of liquidated damages of \$300,000 payment to the Estate of Juan Manuel Sosa to which he was given which he allegedly converted to his own use, the COURT HEREBY GRANTS THE PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT. Further, the Court ORDERS judgment against the defendant Avila in the amount of \$300,000 with interest from February 5, 2004 as well as the costs expended on behalf of the plaintiff.

ENTERED: 3/26/18


JUDGE

WE ASK FOR THIS:


E. Wayne Powell, Esquire (VSB No.: 19550)
POWELL LAW GROUP, P.C.
14407 Justice Road
Midlothian, Virginia 23113
Telephone: (804) 794-4030
Facsimile: (804) 794-6576
Email: wpowell@ewplg.com
Counsel for Plaintiff

LINDA BATCHELOR SMITH, CLERK
CIRCUIT COURT CLERKS OFFICE
CITY OF HAMPTON VA

2018 MAR 26 AM 10:57

FILED

I certify that the document to which this authentication is affixed is a true copy of an original record in the Hampton Circuit Court, that I have the custody of the record and I am the custodian of that record.

LINDA BATCHELOR SMITH, CLERK

By 
Deputy Clerk

080011399

080011399

FG5544 JUN 16 08
current Deed

Deed of Bargain and Sale

Consid: \$260,000.00 Assessed Value: \$298,500.00
Tax ID: 8003783
Property: 253 Beauregard Heights, Hampton, Virginia 23669
Scrivener: Lytle Law, PC, Newport News, Va.

Title Insurance Underwriter: Insured By
First American Title
Insurance Company

This deed, dated June 5, 2008, is a Deed of Bargain and Sale from MICHAEL B. BLACK,
II and MELISSA L. BLACK, husband and wife ("Grantors"), to MIGUEL A. SOSA,
individually and separately ("Grantee"), and it provides that:

In consideration of the monetary amount noted above cash in hand paid and other good and
valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantors
do hereby bargain, sell, grant and convey, subject to such matters as are set out herein, with
GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE, unto Grantee, to have and hold the
property by Grantee as Grantee's separate property, the following described real property, *to-wit*:

The property is commonly known as 253 Beauregard Heights, Hampton,
Virginia 23669, which is also the address for tax mailings.

All that certain lot, piece or parcel of land situate, lying and being in the City of
Hampton, Virginia, known and designated as Lot Numbered THIRTY-ONE (31),
in Block "A", as shown on that certain plat entitled, "SECTION FOUR (4),
WILLOW OAKS, HAMPTON, VIRGINIA", made by William Sours, Surveyor,
dated August 1, 1968, and recorded in the Clerk's Office of the Circuit Court for
the City of Hampton, Virginia, in Plat Book 6, at Page 55, to which plat reference
is here made.

Blk A
Should be
Blk L

Together with all and singular the buildings and improvements thereon, the
tenements, hereditaments and appurtenances thereunto belonging or in anywise
appertaining; subject, however, to all recorded easements, conditions, restrictions
and agreements that lawfully apply to the property.

It being the same property conveyed unto the Grantors by instrument dated July
13, 2005 and recorded in the Clerk's Office aforesaid as Instrument Number
050018859, to which deed reference is here made.

Return To:
Lytle Title & Escrow, LLC
11801 Canon Blvd., Suite 101
Newport News, VA 23606
File Number 052390

Deed of Bargain and Sale, Page 1 of 2

EXHIBIT

C

080011399

PG 545 JUN 16 03

Witness the following signatures and seals:

Grantor:

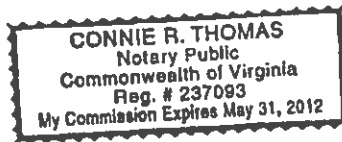


Michael B. Black, II

Commonwealth of Virginia;
City/County of Newport News, to-wit:

Acknowledged before me this 10th day of June, 2008 by Michael B. Black, II.

My commission expires: 5-31-2012





Notary Public
Registration No. 237093

Grantor:

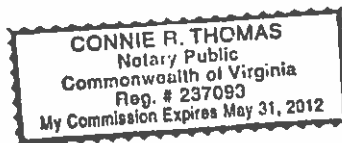


Melissa L. Black

Commonwealth of Virginia;
City/County of Newport News, to-wit:

Acknowledged before me this 10th day of June, 2008 by Melissa L. Black.

My commission expires: 5-31-2012





Notary Public
Registration No. 237093

This deed was prepared by Lytle Law, P.C.
by request without the benefit of a title examination.

INSTRUMENT #080011399
RECORDED IN THE CLERK'S OFFICE OF
HAMPTON ON
JUNE 16, 2008 AT 03:14PM
\$298.50 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$149.25 LOCAL: \$149.25
Deed of Bargain and Sale, Page 2 of 2
LINDA B. SMITH, CLERK
RECORDED BY: CLS

130012787

PG 0454 AUG 13 22

After Recording Return To:
BANK OF AMERICA, N.A.
Doc Processing TX2-979-01-19
4500 Amon Carter Blvd.
Ft. Worth, TX 76155

Prepared By:
MITCH MACOMBER
BANK OF AMERICA, N.A.

WHEN RECORDED, RETURN TO:
FIRST AMERICAN MORTGAGE SERVICES
1100 SUPERIOR AVENUE, SUITE 200
CLEVELAND, OHIO 44114
NATIONAL RECORDING

4909 SAVARESE CIRCLE
TAMPA
FL 33634

THIS IS A REFINANCE OF AN EXISTING LOAN SECURED BY A
DEED OF TRUST RECORDED IN DEED BOOK _____, AT
PAGE _____, OR INSTRUMENT # 080011400,
Hampton COUNTY, VIRGINIA. REFERENCE FOR THIS
PURPOSE OF COMPUTING COST OF RECORDING THIS DEED OF
TRUST IS HERE MADE TO SECTION 58.1-803 (D) OF THE CODE
VIRGINIA, 1950, AS AMENDED.

RPC/Tax Map Reference #/Parcel I.D. #:
8003783

7821645N

[Space Above This Line For Recording Data]

*****017707013

[Doc ID #]

DEED OF TRUST

The following information, as further defined below, is provided in accordance with Virginia law:

The amount of consideration for Virginia recording tax purposes is \$ 203,100.00

This Deed of Trust is given by

Miguel A. SOSA, MARRIED, BY HIS ATTORNEY IN FACT MICHELLE SOSA.

5040 Corporate Woods Dr
Suite 130
as Borrower (trustor), to
SAMUEL I. WHITE, P.C. Virginia Beach, VA 23462
~~120 BUSINESS PARK DR, VIRGINIA BEACH, VA 23462~~ (IN)

N/A

N/A

as Trustee, for the benefit of
BANK OF AMERICA, N.A.
as beneficiary.

THIS IS A REFINANCE OF A DEED OF TRUST RECORDED IN THE CLERK'S OFFICE,
CIRCUIT COURT OF _____, VIRGINIA, IN DEED
BOOK _____, PAGE _____, OR
INSTRUMENT # _____ IN THE ORIGINAL PRINCIPAL AMOUNT
OF _____ AND WITH THE OUTSTANDING PRINCIPAL BALANCE
WHICH IS _____

Section: _____ Block: _____ Lot: _____ Unit: _____

VIRGINIA--Single Family--Fannie Mae/Freddie Mac UNIFORM INSTRUMENT

Form 3047 1/01

Deed of Trust-VA
2006-VA (08/12)(d1)

Page 1 of 1



* 23991 *



* 248390177000002008 *

EXHIBIT

D

130012787

PG0455 AUG 13 22

DOC ID #: *****017707013

DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

(A) "Security Instrument" means this document, which is dated JULY 17, 2013, together with all Riders to this document.

(B) "Borrower" is

MIGUEL A SOSA, A MARRIED MAN, INDIVIDUALLY AND SEPARATELY

Borrower is the trustor under this Security Instrument.

(C) "Lender" is

BANK OF AMERICA, N.A.

Lender is a NATIONAL ASSOCIATION

organized and existing under the laws of THE UNITED STATES

Lender's address is

101 South Tryon Street, Charlotte, NC 28255

Lender is the beneficiary under this Security Instrument.

(D) "Trustee" is 5040 Corporate Woods Dr

SAMUEL I. WHITE, P.C. Suite 130

Trustee's address is Virginia Beach, VA 23462

~~130 BOSTON PARK DR, VIRGINIA BEACH, VA 23462~~

(which may be an address outside the Commonwealth of Virginia when the Trustee exercises federal preemption).

"Trustee" is

N/A

Trustee's address is

N/A

(which may be an address outside the Commonwealth of Virginia when the Trustee exercises federal preemption).

(E) "Note" means the promissory note signed by Borrower and dated JULY 17, 2013. The Note states that Borrower owes Lender

TWO HUNDRED THREE THOUSAND ONE HUNDRED and 00/100

Dollars (U.S. \$ 203,100.00) plus interest. Borrower has promised to pay this debt in regular Periodic Payments and to pay the debt in full not later than AUGUST 01, 2043. The interest rate stated in the Note is FOUR percent (4.000 %). If this Security Instrument is an adjustable rate mortgage loan, this initial rate is subject to change in accordance with the attached Adjustable Rate Rider.

(F) "Property" means the property that is described below under the heading "Transfer of Rights in the Property."

(G) "Loan" means the debt evidenced by the Note, plus interest, any prepayment charges and late charges due under the Note, and all sums due under this Security Instrument, plus interest.

(H) "Riders" means all Riders to this Security Instrument that are executed by Borrower. The following Riders are to be executed by Borrower [check box as applicable]:

- | | | |
|--|---|---|
| <input type="checkbox"/> Adjustable Rate Rider | <input type="checkbox"/> Condominium Rider | <input type="checkbox"/> Second Home Rider |
| <input type="checkbox"/> Balloon Rider | <input type="checkbox"/> Planned Unit Development Rider | <input type="checkbox"/> 1-4 Family Rider |
| <input type="checkbox"/> VA Rider | <input type="checkbox"/> Biweekly Payment Rider | <input type="checkbox"/> Other(s) [specify] |

(I) "Applicable Law" means all controlling applicable federal, state and local statutes, regulations, ordinances and administrative rules and orders (that have the effect of law) as well as all applicable final, non-appealable judicial opinions.

(J) "Community Association Dues, Fees, and Assessments" means all dues, fees, assessments and other charges that are imposed on Borrower or the Property by a condominium association, homeowners association or similar organization.

(K) "Electronic Funds Transfer" means the transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, computer, or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account. Such term includes, but is not limited to, point-of-sale transfers, automated teller machine transactions, transfers initiated by telephone, wire transfers, and automated clearinghouse transfers.

(L) "Escrow Items" means those items that are described in Section 3.

(M) "Miscellaneous Proceeds" means any compensation, settlement, award of damages, or proceeds paid by any third party (other than insurance proceeds paid under the coverages described in Section 5) for: (i) damage to, or destruction of, the Property; (ii) condemnation or other taking of all or any part of the Property; (iii) conveyance in lieu of condemnation; or (iv) misrepresentations or omissions as to, the value and/or condition of the Property.

(N) "Mortgage Insurance" means insurance protecting Lender against the nonpayment of, or default on, the Loan.

(O) "Periodic Payment" means the regular scheduled amount due for (i) principal and interest under the Note, plus (ii) any amounts under Section 3 of this Security Instrument.

PG 0465 AUG 13 2

LINDA B. SMITH: CLERK
RECORDED BY: MJB

150013728

PG0004 OCT 29 15

Recording Requested By:

Bank of America

Prepared By:

Ariana Garcia

4909 Savarese Circle

Tampa

800-444-4302

When recorded mail to:

CoreLogic

Mail Stop: ASGN

1 CoreLogic Drive

Westlake, TX 76262-9823



DocID# 23224639017718991

G-Pin: 800 3783

Property Address:

253 Beauregard Hts

Hampton, VA 23669-1558

VAO-ADT 34070660 10/15/2015 FN0910A

This space for Recorder's use

NOTICE OF ASSIGNMENT OF DEED OF TRUST

For Value Received, BANK OF AMERICA, N.A., the undersigned holder of a Deed of Trust (herein "Grantor") whose address is 4909 SAVARESE CIRCLE, TAMPA, FL 33634 does hereby grant, sell, assign, transfer and convey unto FEDERAL NATIONAL MORTGAGE ASSOCIATION (herein "Grantee") whose address is 14221 DALLAS PARKWAY, SUITE 1000, DALLAS, TX 75254 all beneficial interest under that certain Deed of Trust described below together with the note and obligations therein described and the money due and to become due thereon with interest and all rights accrued or to accrue under said Deed of Trust.

Beneficiary: BANK OF AMERICA, N.A.

Made By: MIGUEL A. SOSA, N.A.

Original Trustee: SAMUEL I. WHITE, N.A.

Date of Deed of Trust: 7/17/2013 Original Amount: \$203,100.00

Recorded in Hampton County, VA on: 8/13/2013 Book N/A, page 0454 and instrument number 130012787

Contact Federal National Mortgage Association for this instrument c/o Seterus, Inc, 14523 SW Millikan Way #200, Beaverton, OR 97005, telephone 866-570-5277, which is responsible for receiving payments.

IN WITNESS WHEREOF, the undersigned has executed this Assignment of Deed of Trust to be executed on

OCT 15 2015

MARIED, BY HIS ATTORNEY IN FACT MICHELLE

N.A.

Amount: \$203,100.00

Book N/A, page 0454 and instrument number 130012787

for this instrument c/o Seterus, Inc, 14523 SW Millikan Way #200, Beaverton, OR 97005, telephone 866-570-5277, which is responsible for receiving payments.

used this Assignment of Deed of Trust to be executed on

BANK OF AMERICA, N.A.

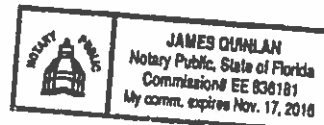
By:

Martha Correa, Assistant Vice President

State of FL, County of Hillsborough

The foregoing instrument was acknowledged and signed by me this OCT 15 2015, by Martha Correa, Assistant Vice President authorized to sign on behalf of BANK OF AMERICA, N.A.. He/she is personally known to me or has produced _____ as to execution.

Notary Public: James Quinlan
My Commission Expires: 11/17/2015



INSTRUMENT #150013728
RECORDED IN THE CLERK'S OFFICE OF
HAMPTON ON
OCTOBER 29, 2015 AT 08:50AM

LINDA B. SMITH, CLERK
RECORDED BY: DDS

PG0020 AUG 15 06

***GRANTORS:** George T. Mizusawa and Theodora B. Mizusawa

***GRANTEE:** Miguel A. Sosa

***CONSIDERATION:** \$155,000.00

***THIS DEED PREPARED BY:** J. Robert Harris, III

RPC #8005688 & 8005689 34 W. Queens Way
Hampton, VA 23669

THIS DEED, made this 7th day of August, 2006, by and between **GEORGE T. MIZUSAWA** and **THEODORA B. MIZUSAWA**, husband and wife, Grantors, parties of the first part, and **MIGUEL A. SOSA**, Grantee, party of the second part, whose mailing address is 112 Beverly Street, Hampton, Virginia 23669.

WITNESSETH: That for and in consideration of the sum of **TEN DOLLARS (\$10.00)**, cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the said Grantors do grant and convey with **GENERAL WARRANTY** and with **ENGLISH COVENANTS OF TITLE** unto the said Grantee the following described property, to wit:

All that certain lot, part-lot, piece or parcel of land situate, lying and being in the City of Hampton, Virginia, being known and designated as "PARCEL 'A'" as shown on that certain plat entitled "PLAT OF THE PROPERTY OF GEORGE T. & THEODORA MIZUSAWA, LOTS 22, 23 24 & PART OF 21, BLOCK 'A', NORTH KING STREET, HAMPTON, VIRGINIA", dated June 29, 2006, revised July 20, 2006, and made by Becouvarakis and Associates, P.C., a copy of which said plat is recorded in the Clerk's Office of the Circuit Court for the City of Hampton, Virginia, on July 28, 2006, as instrument no. 060019562.

Subject to all conditions, covenants, restrictions, and easements of record or apparent on the ground.

Together with all and singular the buildings and improvements thereon, the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said property unto the party of the second part in fee simple, his heirs and assigns forever.

EXHIBIT

E

WITNESS the following signatures and seals:

George T. Mizusawa by Theodora B. Mizusawa (SEAL)
his attorney in fact
Theodora B. Mizusawa (SEAL)
THEODORA B. MIZUSAWA

STATE OF VIRGINIA

City/County of Hampton, to-wit:

I, Wendy K. Fields, a Notary Public in and for the
City and State aforesaid, do hereby certify that George T. Mizusawa and Theodora B. Mizusawa,
whose names are signed to the foregoing deed have this 17th day of August, 2006,
acknowledged the same before me in my City and State aforesaid.

Wendy K. Fields (SEAL)
NOTARY PUBLIC

My Commission Expires: 12-31-07

AFTER RECORDATION
PLEASE RETURN TO:
RICHARD B. BLACKWELL, ATTY.
2210 EXECUTIVE DRIVE STE. A
HAMPTON, VA 23666

INSTRUMENT #060021082
RECORDED IN THE CLERK'S OFFICE OF
HAMPTON ON
AUGUST 15, 2006 AT 08:52AM
\$155.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$77.50 LOCAL: \$77.50
LINDA B. SMITH, CLERK

RECORDED BY: YXM

060021083

PG0022 AUG 15 06

Return To: LOAN # 3304464716
FL9-700-05-22
JACKSONVILLE POST CLOSING
BANK OF AMERICA
9000 SOUTHSIDE BLVD.
BLDG 700, FILE RECEIPT DEPT.
JACKSONVILLE, FL 32256
Prepared By: NAKIA ROSARIO
BANK OF AMERICA, N.A.
1400 BEST PLAZA DRIVE
RICHMOND, VA 232270000

Tax Map Reference #:

RPC/Parcel ID #: MIDLANDL21.22BLKA

RPC#8005688 & 8005689

(Space Above This Line For Recording Data)

DEED OF TRUST

LOAN # 3304464716

The following information, as further defined below, is provided in accordance with Virginia law:
This Deed of Trust is given by MIGUEL A SOSA

as Borrower (trustor), to PRLAP, INC.

as Trustee, for the benefit of BANK OF AMERICA, N.A.

as beneficiary.

VIRGINIA - Single Family - Fannie Mae/Freddie Mac UNIFORM INSTRUMENT

Form 3047 1/01

VMP-6(VA) (0102)

Page 1 of 18

Initials: M.S.

VMP MORTGAGE FORMS - (800)821-7291

CVVA 06/14/06 9:25 AM 3304464716



EXHIBIT

F

PG0023 AUG 15 06

DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

(A) "Security Instrument" means this document, which is dated AUGUST 14, 2006, together with all Riders to this document.

(B) "Borrower" is MIGUEL A SOSA

Borrower is the trustor under this Security Instrument.

(C) "Lender" is BANK OF AMERICA, N.A.

Lender is a NATIONAL BANKING ASSOCIATION organized and existing under the laws of THE UNITED STATES OF AMERICA. Lender's address is 1400 BEST PLAZA DRIVE, RICHMOND, VA 232270000

Lender is the beneficiary under this Security Instrument.

(D) "Trustee" is PRLAP, INC.

Trustee (whether one or more persons) is a Virginia resident and/or a United States or Virginia-chartered corporation whose principal office is located in Virginia. Trustee's address is C/O 1400 BEST PLAZA DRIVE RICHMOND VA. 23227

"Trustee" is N/A

Trustee (whether one or more persons) is a Virginia resident and/or a United States or Virginia-chartered corporation whose principal office is located in Virginia. Trustee's address is N/A

(E) "Note" means the promissory note signed by Borrower and dated AUGUST 14, 2006. The Note states that Borrower owes Lender ONE HUNDRED TWENTY FOUR THOUSAND AND 00/100 Dollars

(U.S. \$ 124,000.00) plus interest. Borrower has promised to pay this debt in regular Periodic Payments and to pay the debt in full not later than SEPTEMBER 01, 2036.

The interest rate stated in the Note is SEVEN AND ONE-HALF percent (7.500 %).

If this Security Instrument is an adjustable rate mortgage loan, this initial rate is subject to change in accordance with the attached Adjustable Rate Rider.

(F) "Property" means the property that is described below under the heading "Transfer of Rights in the Property."

(G) "Loan" means the debt evidenced by the Note, plus interest, any prepayment charges and late charges due under the Note, and all sums due under this Security Instrument, plus interest.

PG0042 AUG 15 06

LEGAL DESCRIPTION

All that certain lot, part-lot, piece or parcel of land situate, lying and being in the City of Hampton, Virginia, being known and designated as "PARCEL 'A'" as shown on that certain plat entitled "PLAT OF THE PROPERTY OF GEORGE T. & THEODORA MIZUSAWA, LOTS 22, 23, 24 & PART OF 21, BLOCK 'A', NORTH KING STREET, HAMPTON, VIRGINIA", dated June 29, 2006, revised July 20, 2006, and made by Becouvarakis and Associates, P.C., a copy of which said plat is recorded in the Clerk's Office of the Circuit Court for the City of Hampton, Virginia, on July 28, 2006, as instrument no. 060019562.

AFTER RECORDATION
PLEASE RETURN TO:
RICHARD B. BLACKWELL, ATTY.
2210 EXECUTIVE DRIVE STE. A
HAMPTON, VA 23666

INSTRUMENT #060021083
RECORDED IN THE CLERK'S OFFICE OF
HAMPTON ON
AUGUST 15, 2006 AT 08:52AM
LINDA B. SMITH, CLERK
RECORDED BY: YXM

120014823

PG0012 OCT-3rd

Recording requested by:
BANK OF AMERICA, N.A.

When recorded mail to:
BANK OF AMERICA, N.A.
DOCUMENT PROCESSING MAIL
CODE: TX2-979-01-19
4500 AMON CARTER BLVD.
FORT WORTH, TX 76155
Attn: ASSIGNMENT UNIT

Tax Parcel: 8005688

CORPORATION ASSIGNMENT OF DEED OF TRUST

Doc. ID# 33687057388456778
Commitment# 5200

For value received, the undersigned, BANK OF AMERICA, N.A., 1800 TAPO CANYON ROAD, SIMI VALLEY, CA 93063, hereby grants, assigns and transfers to:
OCWEN LOAN SERVICING, LLC
1661 WORTHINGTON RD. SUITE 100, WEST PALM BEACH, FL 33409

All beneficial interest under that certain Deed of Trust dated 8/14/06, executed by: MIGUEL A SOSA, Trustor as per TRUST DEED recorded as Instrument No. 060021083 on 8/15/06 in Book 112 Page 1111 of official records in the County Recorder's Office of HAMPTON County, VIRGINIA.
The Trustee is Richard D. Guy.
Original Mortgage \$124,000.00
1269 N. KING ST, HAMPTON, VA 23669

Together with the Note or Notes therein described or referred to, the money due and to become due thereon with interest, and all rights accrued or to accrue under said Deed of Trust.

Dated: 09/13/2012 BANK OF AMERICA, N.A.

By 
MIGUEL ROMERO, ASSISTANT VICE PRESIDENT

State of California
County of Ventura

On 09/13/2012 before me, A. LUTHER, Notary Public, personally appeared MIGUEL ROMERO, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

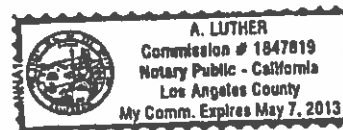
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature: 

A. LUTHER

Prepared by: MARGARET MAGALLAN
1800 TAPO CANYON ROAD
SIMI VALLEY, CA 93063
Phone#: (213) 345-0981



INSTRUMENT #120014823
RECORDED IN THE CLERK'S OFFICE OF
HAMPTON ON
OCTOBER 3, 2012 AT 09:36AM

LINDA B. SMITH, CLERK
RECORDED BY: MJB

130010841

PG0076 JUL 10²

VT27694
Tax ID#08V039 00 A 022
Prepared by and Return to:
Nectar Projects, Inc.
104 N. Bailey Lane #100
Purcellville, VA 20132

SUBSTITUTION OF TRUSTEE

THIS SUBSTITUTION OF TRUSTEE is made between OCWEN LOAN SERVICING, LLC (the Noteholder) and Miguel A. Sosa (the "Original Borrower(s)") and being together the "Grantors"; and Nectar Projects Inc., a Virginia Corporation, substitute trustee, as Grantee:

WITNESSETH:

WHEREAS, by a Deed of Trust dated August 14, 2006, and recorded in the Clerk's Office of the Circuit Court of the City of Hampton, Virginia, as instrument number 060021083 (the "Deed of Trust") the Original Borrower(s) conveyed to PRLAP, Inc. the ("Original Trustee(s)") certain real property described in the Deed of Trust to secure an indebtedness in the original principal sum of One Hundred Twenty Four Thousand Dollars And No Cents (\$124,000.00) and also described in said deed of Trust; and

WHEREAS, the Noteholder may remove the trustee(s) of the Deed of Trust and appoint successor trustee(s) for any reason;

NOW THEREFORE, the undersigned being the present holder of the note secured by the Deed of Trust, does hereby remove the Original Trustee(s) and does hereby remove any Substitute trustee(s) who may have been previously appointed in place of the

PG0077 JUL 10²

Original Trustee(s) and does hereby appoint Nectar Projects Inc., as Substitute Trustee and said Substitute Trustee(s) in accordance with the provisions of the Deed of Trust do/does succeed to all the title, power and duties conferred upon the Original Trustee(s) by the terms of said Deed of Trust and by applicable law.

Witness the following signature:


Franci Boothney

OCWEN LOAN SERVICING, LLC

By: 
(Signature)

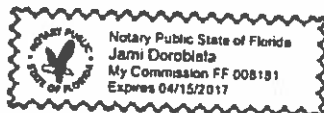
Name: Chris Heinichen

Title: Contract Manager

My Commission Expires: _____
Dated: June 10, 2013

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged and sworn before me this 10 day
of June, 2013 by
Chris Heinichen as Contract Manager
of Ocwen Loan Servicing LLC, who is personally known to me or who has produced
_____ as identification.




Jami Dorobiala
Notary Public - State of Florida

VT1227694
Tax ID#08V039 00 A 022

INSTRUMENT #130010841
RECORDED IN THE CLERK'S OFFICE OF
HAMPTON ON
JULY 10, 2013 AT 09:49AM
LINDA B. SMITH, CLERK
RECORDED BY: RMJ

170004783

PG0092 APR 20

VIRGINIA
COUNTY/TOWN OF HAMPTON
LOAN NO.: 7130400729



TAX MAP NO. MIDLANDL21.22BLKA

PREPARED BY: SECURITY CONNECTIONS, INC.
WHEN RECORDED MAIL TO: SECURITY CONNECTIONS, INC., 240 TECHNOLOGY DRIVE, IDAHO FALLS, ID 83401, PH. (208)528-9895

NOTICE OF ASSIGNMENT OF DEED OF TRUST

FOR VALUE RECEIVED, OCWEN LOAN SERVICING, LLC, located at 1661 WORTHINGTON RD., STE. 100, WEST PALM BEACH, FL 33409, Assignor, does hereby grant, assign, transfer, and set over unto SELECT PORTFOLIO SERVICING, INC., located at 3217 S. DECKER LAKE DR., SALT LAKE CITY, UT 84119, Assignee, its successors and assigns, all of Assignor's interest in that certain Deed of Trust described below:

Name of Trustor(s): MIGUEL A SOSA
Name of Original Beneficiary(s): BANK OF AMERICA, N.A.
Name of Original Trustee(s): PRLAP, INC.

Said Deed of Trust dated AUGUST 14, 2006, in the amount of \$124,000.00 and recorded on AUGUST 15, 2006 as Instrument No. 060021083 in the Land Records of the Circuit Court for the CITY of HAMPTON, State of VIRGINIA, described herein as follows:

AS DESCRIBED IN SAID DEED OF TRUST REFERRED TO HEREIN.


Property Address: 1269 N. KING ST HAMPTON, VIRGINIA 23669
TOGETHER WITH ALL RIGHTS ACCRUED OR TO ACCRUE TO SAID DEED OF TRUST.

IN WITNESS WHEREOF, the undersigned has caused this Instrument to be executed this MARCH 31, 2017.
OCWEN LOAN SERVICING, LLC


KIERSTEN BALCH, AUTHORIZED SIGNER

STATE OF IDAHO COUNTY OF BONNEVILLE) ss.

On MARCH 31, 2017, before me, RAE DUTTON, personally appeared KIERSTEN BALCH known to me to be the AUTHORIZED SIGNER of the entity that executed the instrument or the person who executed the instrument on behalf of said entity, and acknowledged to me that such entity executed the same.


RAE DUTTON (COMMISSION EXP. 07/21/2022)
NOTARY PUBLIC
REGISTRATION NO. 68101



VIRGINIA:
IN THE CLERK'S OFFICE OF THE CIRCUIT COURT

This instrument was admitted to record on _____ at _____ a.m. / p.m.
Clerk's fee of \$ _____ has been paid.
_____, Clerk by _____, Deputy Clerk

INSTRUMENT #170004783
RECORDED IN THE CLERK'S OFFICE OF
HAMPTON ON
APRIL 20, 2017 AT 09:53AM

LINDA B. SMITH, CLERK
RECORDED BY: EDD

OC80127141M - AM - VA


PG0937 OCT 17 05

Consideration: \$82,000.00

050027691

Williams, Mullen, P.C.
Fountain Plaza Three
721 Lakefront Commons, Suite 200
Newport News, Virginia 23606
(757) 249-5100

GPIN/ACCT/MAP#: 8003235

DEED

THIS DEED, made this 10th day of October, 2005, by and between HUEY D. CARDEN and SUE N. CARDEN, Trustees under the SUE N. CARDEN LIVING TRUST dated September 4, 2003 (either of whom may act), and THOMAS E. PELLOWSKI (hereinafter "Grantors"); and MIGUEL SOSA, (hereinafter "Grantee"), whose mailing address is 400 Cedar Drive, Hampton, Virginia 23666.

Whenever used herein the singular shall include the plural, the plural the singular, and the use of any gender shall include all other genders.

WITNESSETH

That for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantors do bargain, grant, sell and convey with **GENERAL WARRANTY AND ENGLISH COVENANTS OF TITLE** unto the Grantee, the following described property ("Property"), to-wit:

All that certain lot, piece or parcel of land situate, lying and being in the City of Hampton, Virginia, as more fully described on Exhibit "A" attached hereto and made a part hereof.

The Grantors covenant that they the right to convey the said land to the Grantee; that they have done no act to encumber said land, save as aforesaid; that the Grantee shall have quiet possession of the said land, free from all encumbrances; and that the Grantors will execute such further assurance of the said land as may be requisite.



050027691

PG 0938 OCT 17 05

Property is conveyed subject to the conditions, restrictions, reservations, encumbrances and easements, if any, duly recorded affecting the Property and constituting constructive notice.

WITNESS the following signature(s) and seal(s):

SUE N. CARDEN LIVING TRUST

Dated September 4, 2003

By:  (SEAL)
SUE N. CARDEN, Trustee

By:  (SEAL)
HUEY D. CARDEN, Trustee

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Newport News to-wit:

The foregoing Deed of Bargain and Sale was sworn to and acknowledged before me this 12th day of October, 2005, by SUE N. CARDEN and HUEY D. CARDEN, Trustees under the SUE N. CARDEN LIVING TRUST dated September 4, 2003.


Notary Public
Commonwealth of Virginia At Large

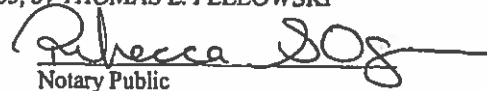
My Commission Expires: 10-31-05

WITNESS the following signature(s) and seal(s):

 (SEAL)
THOMAS E. PELLOWSKI

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Newport News, to-wit:

The foregoing Deed of Bargain and Sale was sworn to and acknowledged
before me this 13th day of October, 2005, by THOMAS E. PELLOWSKI


Notary Public
Commonwealth of Virginia At Large

My Commission Expires: 10-31-05

PG 0940 OCT 17 05

050027691

EXHIBIT "A"

All that certain lot, piece or parcel of land situate, lying and being in the City of Hampton, Virginia, known and designated as Lot Numbered FORTY-FIVE (45), in Block Lettered "A", as shown on that certain plat entitled, "Pine Grove Terrace, City of Hampton, Virginia", made by John W. Lawson, Certified Land Surveyor, dated April 29, 1953 and duly of record in the Clerk's Office of the Circuit Court for the City of Hampton, Virginia in Plat Book 3, page 118, to which reference is here made.

It being the same property conveyed unto Solveig H. Pellowski and Sue N. Carden by Deed of Assumption from Glenn A. Talbott and Beth E. Talbott, husband and wife, dated November 21, 1978 and duly recorded in the aforesaid Clerk's Office on November 30, 1978 in Deed Book 533, page 832. The said Solveig H. Pellowski died on December 7, 2004 devising $\frac{1}{2}$ interest to the property to her son, Thomas E. Pellowski by her Last Will and Testament recording as Instrument Number 050000082. The said Sue N. Carden conveyed her $\frac{1}{2}$ interest in the aforesaid property to Huey D. Carden and Sue N. Carden, Trustees, or their successors in trust, under the Sue N. Carden Living Trust dated September 4, 2003, by deed dated October 14, 2003 and duly recorded in the Clerk's Office aforesaid as Instrument Number 030025937.

#1061353 v1 - Deed - Carden/Pellowski to Sosa

INSTRUMENT #050027691
RECORDED IN THE CLERK'S OFFICE OF
HAMPTON ON
OCTOBER 17, 2005 AT 04:33PM
\$82.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$41.00 LOCAL: \$41.00
LINDA B. SMITH, CLERK

RECORDED BY: RMS

060020935

PG0310 AUG 11 06

After Recording Return To:

Record and Return To:
Fiserv Lending Solutions d,
27 Inwood Road
ROCKY HILL, CT 06867
Sosa, Miguel A
Jacksonville, Florida 32256
Loan Number: 68998000424299/99506/22/32830

Tax Map Reference No.:

PIN: 08K003-00-A-645
Prepared By: Francis Staphrey
[Space Above This Line For Recording Date]

CREDIT LINE DEED OF TRUST

THIS IS A CREDIT LINE DEED OF TRUST

The following information, as further defined below, is provided in accordance with Virginia law.

This Deed of Trust is given by MIGUEL A SOSA

as Borrower (grantor or trustor), to PRLAP, INC.
(Grantor)
as Trustee, for the benefit of Bank of America, NA
as beneficiary

DEFINITIONS

- (A) "Security Instrument" means this document, which is dated JUNE 5, 2006, together with all Riders to this document.
(B) "Borrower" is MIGUEL A SOSA

the party or parties who have signed this Security Instrument.
Borrower is the trustor under this Security Instrument.
(C) "Lender" is Bank of America, NA

Lender is a National Banking Association organized
and existing under the laws of THE UNITED STATES OF AMERICA
Lender's address is 100 North Tryon Street, Charlotte, North Carolina
28255

Lender is the beneficiary under this Security Instrument.

- (D) "Agreement" means the Home Equity Line of Credit Agreement signed by the Borrower.
(E) "Account" means the Home Equity Line of Credit Account pursuant to which the Lender makes Advances to the Borrower at the Borrower's direction, allowing the Borrower to repay those Advances and take additional Advances, subject to the terms of the Agreement.
(F) "Credit Limit" means the maximum aggregate amount of principal that may be secured by this Security Instrument at any one time. The Credit Limit is \$70,000.00 Except to the extent



PG 031 | AUG 11 06

060020935

prohibited by Applicable Law, the Credit Limit does not apply to interest, Finance Charges, and other fees and charges validly incurred by Borrower under the Agreement and this Security Instrument. The Credit Limit also does not apply to other advances made under the terms of this Security Instrument to protect Lender's security and to perform any of the covenants contained in this Security Instrument.

(G) "Account Balance" is the total unpaid principal of the Account, plus earned but unpaid Finance Charges, outstanding fees, charges, and costs.

(H) "Maturity Date" is the date on which the entire Account Balance under the Agreement is due. The entire Account Balance on your Account, as defined in the Agreement and this Security Instrument, is due on JUNE 5, 2031.

(I) "Property" means the Property that is described below under the heading "Transfer of Rights in the Property."

(J) "Secured Debt" means:

(1) All amounts due under your Account, including principal, interest, Finance Charges, and other fees, charges, and costs incurred under the terms of this Security Instrument and all extensions, modifications, substitutions or renewals thereof.

(2) Any advances made and expenses incurred by Lender under the terms of this Security Instrument.

(K) "Riders" means all Riders to this Security Instrument that are executed by Borrower. The following Riders are to be executed by Borrower [check box as applicable]:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> 1-4 Family | <input type="checkbox"/> Condominium Rider | <input type="checkbox"/> Escrow Rider |
| <input type="checkbox"/> Second Home | <input type="checkbox"/> Planned Unit Development Rider | <input type="checkbox"/> Mortgage Insurance Rider |
| <input type="checkbox"/> Other(s) | | |

(L) "Applicable Law" means all controlling applicable federal, state and local statutes, regulations, ordinances and administrative rules and orders (that have the effect of law) as well as all applicable final, non-appealable judicial opinions.

(M) "Community Association Dues, Fees, and Assessments" means all dues, fees, assessments and other charges that are imposed on Borrower or the Property by a condominium association, homeowners association or similar organization.

(N) "Electronic Funds Transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, computer, or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account. Such term includes, but is not limited to, point-of-sale transfers, automated teller machine transactions, transfers initiated by telephone, wire transfers, and automated clearinghouse transfers.

(O) "Miscellaneous Proceeds" means any compensation, settlement, award of damages, or proceeds paid by any third party (other than insurance proceeds paid under the coverages described in Section 5) for: (i) damage to, or destruction of, the Property; (ii) condemnation or other taking of all or any part of the Property; (iii) conveyance in lieu of condemnation; or (iv) misrepresentations of, or omissions as to, the value and/or condition of the Property.

(P) "Successor in Interest of Borrower" means any party that has taken title to the Property, whether or not that party has assumed Borrower's obligations under the Agreement and/or this Security Instrument.

(Q) "Approved Prior Loan" means a lien which is and which lender acknowledges and agrees will continue to have priority over the lien created by this Security Instrument.

(R) "Trustee" is PRLAP, INC.

Trustee (whether one or more persons) is a Virginia resident and/or a United States - or Virginia-chartered corporation whose principal office is located in Virginia. Trustee's address is C/O 1400 BEST PLAZA DRIVE, RICHMOND, VIRGINIA 23227

PG 0326 AUG 11 06

060020935

G156FT4V

SCHEDULE A

THAT CERTAIN PIECE OR PARCEL OF LAND, AND THE BUILDINGS
AND IMPROVEMENTS THEREON, KNOWN AS: 400 CEDAR DRIVE

IN THE TOWN OF: HAMPTON

COUNTY OF: HAMPTON CITY

STATE OF: VIRGINIA

BEING MORE PARTICULARLY DESCRIBED IN A DEED RECORDED IN:

DOCUMENT NUMBER: 27691

PROPERTY IDENTIFICATION:

PIN: 08K003-00-A-045

PROPERTY DESCRIPTION:

LOT: 45

SUBDIVISION: PINE GROVE TERRACE

ACREAGE: .1768

INSTRUMENT #060020935
RECORDED IN THE CLERK'S OFFICE OF
HAMPTON ON
AUGUST 11, 2006 AT 11:14AM
LINDA B. SMITH, CLERK
RECORDED BY: RMS

BWW#: 202804

160000995

PG0010 JAN 27 10

PREPARED BY / PLEASE RETURN TO:
BWW Law Group, LLC
6003 Executive Blvd., Suite 101
Rockville, MD 20852

Tax I.D.#: 08K003-00-A-045

APPOINTMENT OF SUBSTITUTE TRUSTEE

BANK OF AMERICA, N.A., GRANTOR herein, does hereby remove the Original Trustee(s) as Trustee(s), and does also hereby remove any substitute trustee or trustees who may have been previously appointed in place of the Original Trustee(s), and hereby appoints EQUITY TRUSTEES, LLC, a Virginia limited liability company, as Substitute Trustee/GRANTEE whose place of business is 2101 Wilson Boulevard, Suite 402, Arlington VA 22201. This appointment is made under the deed of trust dated June 05, 2006 conveying the real property known as 400 Cedar Drive, Hampton, VA 23669 and executed by Miguel A. SOSA (identified here as GRANTOR(S) for recordation purposes), in which BANK OF AMERICA, NA is named original lender and PRLAP, INC. as original trustee, and recorded at Instrument No. 060020935 in the land records of the Hampton City Circuit Court Clerk's Office ("Deed of Trust"). Said Substitute Trustee shall, in accordance with the provisions of said Deed of Trust, succeed to all the title, powers and duties conferred upon the Original Trustee(s) by the terms of said Deed of Trust and by applicable law.

BANK OF AMERICA, N.A.

Shamim Ali 11-27-15
Print Name: Shamim Ali
Title: Assistant Vice President
Date: November 27, 2015

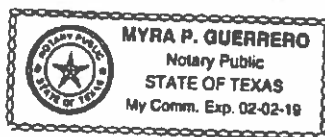
State of Texas
County of Dallas

Before me, MYRA P GUERRERO, the undersigned officer, on this, the 27 day of November, 2015, personally appeared Shamim Ali, known to me or, through the production of A Texas driver's license as identification, who identified himself/herself to be the Assistant Vice President of Bank of America, N.A., the person and officer whose name is subscribed to the foregoing instrument, and being authorized to do so, acknowledged that she had executed the foregoing instrument as the act of such corporation for the purpose and consideration described and in the capacity stated.

(SEAL)

Myra P Guerrero
Print Name: MYRA P GUERRERO
Notary Public, State of TEXAS
Commission No.: 1501002-2
My Commission Expires: 02-01-2019

INSTRUMENT #160000995
RECORDED IN THE CLERK'S OFFICE OF
HAMPTON ON
JANUARY 27, 2016 AT 08:39AM



LINDA B. SMITH, CLERK
RECORDED BY: MJB

160002164

PG0001 FEB 22 12

Consideration: \$0.00

Prepared By:
Richard B. Blackwell, Attorney
VSB#31060
2210-A Executive Drive
Hampton, Virginia 23666
(757) 838-2966
Title Insurance: None

RPC#:8002937

**THIS DEED IS EXEMPT FROM RECORDING TAX
PURSUANT TO SECTION 58.1-811.D,
CODE OF VIRGINIA, 1950, AS AMENDED**

THIS DEED OF GIFT, made this 9th day of February, 2016, by and between
MICHELLE I. SOSA, GRANTOR, and **MIGUEL A. SOSA, GRANTEE**, whose mailing
address is 253 Beauregard Heights, Hampton, VA 23669.

WITNESSETH: The said Grantor does hereby grant and convey with **GENERAL
WARRANTY AND ENGLISH COVENANTS OF TITLE** unto the said Grantee, his heirs
and assigns, in fee simple and forever, the following described property, to-wit:

All that certain lot, piece or parcel of land situate, lying and being in the City
of Hampton, Virginia, known and designated as Lot Numbered SEVEN in
Block Lettered "B", as shown on a certain plat entitled, "SEC. 12-A-51
REVISION AND ADDITION NO. 1 TO PINE GROVE COURT,
ELIZABETH CITY COUNTY, VIRGINIA", made by R. F. Pyle, C.L.S., dated
May 8, 1952, a copy of which is duly of record in the Clerk's Office of the
Circuit Court for the City of Hampton, Virginia, in Plat Book 3, pages 98 and
98A, to which reference is here made.

Property more commonly known as 112 Beverly Street, Hampton, VA 23669.

It being the same property conveyed unto the grantor herein by deed of gift
from Miguel A. Sosa, et ux, and duly recorded in the Clerk's Office aforesaid
as Instrument No. 030006154.

SUBJECT TO ANY AND ALL LIENS OF RECORD.

THIS DEED PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION.



160002164
MG 0002 FEB 22 16

The said Grantor does hereby covenant that she has the right to convey the said land unto the said Grantee; that she has done no act to encumber the said land, save as aforesaid; that the said Grantee shall have quiet possession of the said land, free from all encumbrances; and that the said Grantor will execute such further assurances of the said land as may be requisite.

WITNESS the following signature and seal:

Michelle I. Sosa (SEAL)
MICHELLE I. SOSA

STATE OF VIRGINIA
City of Hampton, to-wit:

The foregoing Deed of Gift dated February 9, 2016, was acknowledged before me by MICHELLE I. SOSA, who having produced Drivers License as form of identification, this 17 day of Feb, 2016.

Harriet H. Jones
Notary Public
My Commission Expires: 8/31/16
Notary Registration No.: 202355

AFTER RECORDATION
PLEASE RETURN TO
RICHARD S. SMITH, CLERK
2210 EXECUTIVE CENTER, 11TH FL. A
HAMPTON, VA 23666

INSTRUMENT #160002164
RECORDED IN THE CLERK'S OFFICE OF
HAMPTON ON
FEBRUARY 22, 2016 AT 04:21PM

LINDA B. SMITH, CLERK
RECORDED BY: MJB

060020687

After Recording Return To:



Record and Return To:
Fiserv Lending Solutions
27 Inwood Road
ROCKY HILL, CT 06867

rd,

Sosa, Miguel A
Jacksonville, Florida 32256
Loan Number: 68998000364999
PREPARED BY: Stephanie M Brown
Tax Map Reference No.:

PIN 08K002-01-3-007

995041221217380

(Space Above This Line For Recording Data)

CREDIT LINE DEED OF TRUST

THIS IS A CREDIT LINE DEED OF TRUST

The following information, as further defined below, is provided in accordance with Virginia law:

This Deed of Trust is given by MIGUEL A SOSA

as Borrower (grantor or trustor), to PRLAP, INC.

(Grantor)

as Trustee, for the benefit of Bank of America, NA

as beneficiary.

DEFINITIONS

(A) "Security Instrument" means this document, which is dated JUNE 5, 2006, together with all Riders to this document.

(B) "Borrower" is MIGUEL A SOSA

the party or parties who have signed this Security Instrument.

Borrower is the trustor under this Security Instrument.

(C) "Lender" is Bank of America, NA

Lender is a National Banking Association organized

and existing under the laws of THE UNITED STATES OF AMERICA

Lender's address is 100 North Tryon Street, Charlotte, North Carolina, 28255

Lender is the beneficiary under this Security Instrument.

(D) "Agreement" means the Home Equity Line of Credit Agreement signed by the Borrower.

(E) "Account" means the Home Equity Line of Credit Account pursuant to which the Lender makes Advances to the Borrower at the Borrower's direction, allowing the Borrower to repay those Advances and take additional Advances, subject to the terms of the Agreement.

(F) "Credit Limit" means the maximum aggregate amount of principal that may be secured by this Security Instrument at any one time. The Credit Limit is \$90,000.00 Except to the extent



060020687

PG0491 AUG -9 06

prohibited by Applicable Law, the Credit Limit does not apply to interest, Finance Charges, and other fees and charges validly incurred by Borrower under the Agreement and this Security Instrument. The Credit Limit also does not apply to other advances made under the terms of this Security Instrument to protect Lender's security and to perform any of the covenants contained in this Security Instrument.

(G) "Account Balance" is the total unpaid principal of the Account, plus earned but unpaid Finance Charges, outstanding fees, charges, and costs.

(H) "Maturity Date" is the date on which the entire Account Balance under the Agreement is due. The entire Account Balance on your Account, as defined in the Agreement and this Security Instrument, is due on JUNE 5, 2031.

(I) "Property" means the Property that is described below under the heading "Transfer of Rights in the Property."

(J) "Secured Debt" means:

(1) All amounts due under your Account, including principal, interest, Finance Charges, and other fees, charges, and costs incurred under the terms of this Security Instrument and all extensions, modifications, substitutions or renewals thereof.

(2) Any advances made and expenses incurred by Lender under the terms of this Security Instrument.

(K) "Riders" means all Riders to this Security Instrument that are executed by Borrower. The following Riders are to be executed by Borrower [check box as applicable]:

- | | | |
|--------------------------------------|---|---|
| <input type="checkbox"/> 1-4 Family | <input type="checkbox"/> Condominium Rider | <input type="checkbox"/> Escrow Rider |
| <input type="checkbox"/> Second Home | <input type="checkbox"/> Planned Unit Development Rider | <input type="checkbox"/> Mortgage Insurance Rider |
| <input type="checkbox"/> Other(s) | | |

(L) "Applicable Law" means all controlling applicable federal, state and local statutes, regulations, ordinances and administrative rules and orders (that have the effect of law) as well as all applicable final, non-appealable judicial opinions.

(M) "Community Association Dues, Fees, and Assessments" means all dues, fees, assessments and other charges that are imposed on Borrower or the Property by a condominium association, homeowners association or similar organization.

(N) "Electronic Funds Transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, computer, or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account. Such term includes, but is not limited to, point-of-sale transfers, automated teller machine transactions, transfers initiated by telephone, wire transfers, and automated clearinghouse transfers.

(O) "Miscellaneous Proceeds" means any compensation, settlement, award of damages, or proceeds paid by any third party (other than insurance proceeds paid under the coverages described in Section 5) for: (i) damage to, or destruction of, the Property; (ii) condemnation or other taking of all or any part of the Property; (iii) conveyance in lieu of condemnation; or (iv) misrepresentations of, or omissions as to, the value and/or condition of the Property.

(P) "Successor in Interest of Borrower" means any party that has taken title to the Property, whether or not that party has assumed Borrower's obligations under the Agreement and/or this Security Instrument.

(Q) "Approved Prior Loan" means a lien which is and which lender acknowledges and agrees will continue to have priority over the lien created by this Security Instrument.

(R) "Trustee" is PRLAP, INC.

Trustee (whether one or more persons) is a Virginia resident and/or a United States - or Virginia-chartered corporation whose principal office is located in Virginia. Trustee's address is C/O 1400 BEST PLAZA DRIVE, RICHMOND, VIRGINIA 23227

060020687

PG0503 AUG-906

G156FT56

SCHEDULE A

THAT CERTAIN PIECE OR PARCEL OF LAND AND THE BUILDINGS
AND IMPROVEMENTS THEREON, KNOWN AS: 112 BEVERLY STREET

IN THE TOWN OF: HAMPTON

COUNTY OF: HAMPTON CITY

STATE OF: VIRGINIA

BEING MORE PARTICULARLY DESCRIBED IN A DEED RECORDED IN:

DOCUMENT NUMBER: 6154

PROPERTY IDENTIFICATION:

PIN: 08K002-01-B-007

PROPERTY DESCRIPTION:

LOT: 7

ACREAGE: .2238

INSTRUMENT #060020687
RECORDED IN THE CLERK'S OFFICE OF
HAMPTON ON
AUGUST 9, 2006 AT 11:16AM
LINDA B. SMITH, CLERK

RECORDED BY: RMS

030006640

900000P0606

030006640

THIS INSTRUMENT IS EXEMPT FROM RECORDATION TAXES PURSUANT TO SECTION 58.1-811(d), CODE OF VIRGINIA, 1950, AS AMENDED.

PARCEL I.D. NO.: 08K002-01-M-023
RPC TAX I.D. NO.: 8003165

THIS DEED OF GIFT, made this 20th day of March, 2003, by and between MIGUEL A. SOSA and MICHELLE I. SOSA, Husband and Wife, GRANTOR, parties of the first part; and MIGUEL A. SOSA, GRANTEE, party of the second part, whose mailing address is 329 Walnut Street, Hampton, Virginia 23669.

WITNESSETH: That for and in consideration of the sum of TEN DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged at and before the signing and delivery of this Deed, the said parties of the first part, hereby grant and convey with covenants of GENERAL WARRANTY and English Covenants of Title unto the said party of the second part, in fee simple absolute, the following described property, to-wit:

All that certain lot, piece or parcel of land situate, lying and being in the City of Hampton, Virginia, known and designated as Lot Numbered TWENTY-THREE (23), in Block Lettered M, as shown on that certain plat entitled, "SECTION 12-A51 REVISION AND ADDITION NO. 2 TO PINE GROVE COURT, CITY OF HAMPTON, VIRGINIA", made by R. F. Pyle, Certified Land Surveyor, Newport News, Virginia, dated December 30, 1952, amended January 23, 1953, and duly recorded in the Clerk's Office of the Circuit Court for the City of Hampton, Virginia, in Plat Book 3, page 113, to which plat reference is here made.

Together with all and singular the buildings and improvements thereon, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Subject, however, to any and all restrictions and conditions, easements and rights of way of record affecting said property.

PAGE ONE OF THREE PAGES



030006640

30-000P0607

It being the same property conveyed unto Miguel A. Sosa and Michelle I. Sosa, Husband and Wife, by Deed dated July 20, 2000, from Stephen S. Mason and Karen S. Mason, Husband and Wife, and was duly recorded in the aforesaid Clerk's Office, in Deed Book 1335, at Page 1518.

The said parties of the first part covenant that they have the right to convey the said land unto the said party of the second part; that they have done no act to encumber the said land, save as aforesaid, that the said party of the second part shall have quiet possession of the land, free from all encumbrances; and that the said parties of the first part will execute such further assurances of the said land as may be requisite.

WITNESS the following signatures and seals:

Miguel A. Sosa (SEAL)
MIGUEL A. SOSA

Michelle I. Sosa (SEAL)
MICHELLE I. SOSA

COMMONWEALTH OF VIRGINIA
CITY OF HAMPTON, to-wit:

The foregoing instrument was acknowledged to before me this 21st day of March, 2003, by Miguel A. Sosa.

Given under my hand and seal this 21st day of March, 2003.

Shirley L. Spruce
Notary Public

My Commission Expires July 31, 2003

030006640 811-1011P7608

COMMONWEALTH OF VIRGINIA
CITY OF HAMPTON, to-wit:

The foregoing instrument was acknowledged to before me this 21st day
of March, 2003, by Michelle I. Sosa.

Given under my hand and seal this 21st day of March, 2003.

Bonnie D. Spino
Notary Public

My Commission Expires July 31 2003

INSTRUMENT #030006640
RECORDED IN THE CLERK'S OFFICE OF
HAMPTON ON
MARCH 24, 2003 AT 01:00PM
JAMES P. BOHNER, CLERK

BY: [Signature] 100

PREPARED BY, AND AFTER RECORDING, PLEASE RETURN TO:

Gregory B. Blanchard, Esquire
47 West Queen's Way
Hampton, Virginia 23669
(757) 727-0853

PAGE THREE OF THREE PAGES

18-2642

ABSTRACT OF JUDGMENT

Commonwealth of Virginia VA. CODE § 8.01-449

Case No. GV16011117-00

15-137374

HAMPTON GENERAL DISTRICT COURT - CIVIL

238 N. KING STREET 2ND FL, HAMPTON, VA 23669

DISTRICT COURT NAME AND ADDRESS

MIDLAND FUNDING LLC

FULL NAME OF PLAINTIFF (LAST, FIRST, MIDDLE)

ASSIGNEE OF CITIBANK N.A.

ADDRESS

**WILKS 6802 PARAGON PL STE 410
RICHMOND, VA 23230**

v. SOSA-AVILA, MIGUEL

FULL NAME OF DEFENDANT (LAST, FIRST, MIDDLE)

ADDRESS

**253 BEAUREGARD, HTS
HAMPTON, VA 23669**

18-2642

CITY STATE ZIP
DATE OF BIRTH SSN (LAST FOUR DIGITS ONLY)

FULL NAME OF PLAINTIFF(S)

ADDRESS

CITY STATE ZIP
DATE OF BIRTH SSN (LAST FOUR DIGITS ONLY)

FULL NAME OF DEFENDANT(S)

ADDRESS

CITY STATE ZIP
DATE OF BIRTH SSN (LAST FOUR DIGITS ONLY)

This is to certify that a judgment was rendered in this court in favor of:

☒ PLAINTIFF(S) against DEFENDANT(S)

☐ DEFENDANT(S) against PLAINTIFF(S)

☐ _____ v. _____

DATE OF BIRTH SSN (LAST FOUR DIGITS ONLY)

FILED
2018 JUL 17 AM 9:41
HQA BATCH FOR SP1111, CLERK
CIRCUIT COURT CLERKS OFFICE
CITY OF HAMPTON VA

DATE OF JUDGMENT		12/20/2016	
\$ 3,138.45		AMOUNT OF JUDGMENT	
\$		AMOUNT OF JUDGMENT NOT SUBJECT TO ACCRUAL OF INTEREST	
HOMESTEAD EXEMPTION WAIVED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> CANNOT BE DEMANDED			
\$		ALTERNATE VALUE OF SPECIFIC PROPERTY AWARDED	
INTEREST RATE(S) AND BEGINNING DATE(S)			
COSTS	ATTORNEY'S FEES	ATTORNEY	
\$ 55.00	\$	WILKS	

OTHER.

I certify the above to be a true abstract of a judgment rendered in this court.

05/22/2018

DATE

R. Catalano
CLERK

[] JUDGE

EXHIBIT

tabbles

L

HAMPTON GENERAL DISTRICT COURT

030001676

PLAINTIFF(S)

V

DEFENDANT(S)

TIDEMATER FAMILY HEALTH CENTERS LTD
C/O HUDSON P D BOX 184
WHITE MARSH VA 23183

NO SSN
NO DOB

MICHELLE IRENE BOBA
408 WALNUT ST
HAMPTON VA 23669

224-19-3890
NO DOB

THIS IS TO CERTIFY THAT A JUDGMENT WAS RENDERED IN THIS COURT IN FAVOR OF:

PLAINTIFF(S) AGAINST DEFENDANT(S) CONTAINING THE FOLLOWING TERMS:

DATE OF JUDGMENT: 03/12/03

AMOUNT OF JUDGMENT: \$1,325.00

OTHER AMOUNT: \$0.00

HOMESTEAD EXEMPTION WAIVED: () YES (X) NO () CANNOT BE DEMANDED

ALTERNATE VALUE OF SPECIFIC PROPERTY AWARDED: N/A

INTEREST: 9 % FROM DOJ

COSTS: \$30.00 ATTORNEY'S FEES: 331.25

ATTORNEY: HUDSON

OTHER AWARDED:

I CERTIFY THE ABOVE TO BE A TRUE ABSTRACT OF A JUDGMENT RENDERED IN THIS COURT

4-4-03
DATE

Theresa S. Dwyer
CLERK () JUDGE

FORM DC-463 4/90 (04/03/03)

PAGE: 131


JAMES P. BONINAKER
CLERK
03 MAY -8 PM 3:14
CITY OF HAMPTON VA.

EXHIBIT

M

SINGLE FAMILY COMPARABLE RENT SCHEDULE

This form is intended to provide the appraiser with a familiar format to estimate the market rent of the subject property. Adjustments should be made only for items of significant difference between the comparables and the subject property.

ITEM		SUBJECT		COMPARABLE NO. 1		COMPARABLE NO. 2		COMPARABLE NO. 3	
Address		253 Beauregard Heights Hampton VA 23669		5 Kemper's Charge Rd Hampton VA 23669		102 Bear Creek Crossing Hampton VA 23669		363 Hopemont Cir Hampton VA 23669	
Proximity to Subject				0.36 miles SW		0.89 miles SW		0.67 miles SE	
Date Lease Begins		Unknown		Annually		Annually		Annually	
Date Lease Expires		Unknown		Annually		Annually		Annually	
Monthly Rental		If Currently Rented: \$ Unknown		\$ 1,695		\$ 1,775		\$ 1,700	
Less: Utilities		\$ 0		\$ 0		\$ 0		\$ 0	
Furniture		\$ 0		\$ 0		\$ 0		\$ 0	
Adjusted Monthly Rent		\$ 0		\$ 1,695		\$ 1,775		\$ 1,700	
Data Source		Exterior Inspection, City Records		REIN #10180478, DOM 13 City Records/Exterior Inspection		REIN #10159575, DOM 172 City Records/Exterior Inspection		REIN #10180140, DOM 50 City Records/Exterior Inspection	
RENT ADJUSTMENTS		DESCRIPTION		DESCRIPTION		DESCRIPTION		DESCRIPTION	
Rent		None		None		None		None	
Concessions		None		None		None		None	
Location/View		N, Res, N, Res,		N, Res, N, Res,		N, Res, N, Res,		N, Res, N, Res,	
Design and Appeal		DT2.0, Colonial		DT2.0, Colonial		DT2.0, Colonial		DT2.0, Colonial	
Age/Condition		49 Average		45 Average		37 Average		54 Average	
Above Grade Room Count		10 • 5 • 2.10		9 • 4 • 2.10		8 • 5 • 2.10		8 • 4 • 2.10	
Gross Living Area		2,551 Sq. Ft.		2,472 Sq. Ft.		2,632 Sq. Ft.		2,330 Sq. Ft.	
Other (e.g., basement, etc.)		0sf		0sf		0sf		0sf	
Other		2ga2dw Pch Deck, Enc. Pch.		2ga2dw Porch Deck, Lg. Patio		2ga2dw Porch, Patio		1ga2dw Pch, Pal, Enc. Pch.	
Net Adj. (total)		X • • • 75		X • • • 75		X • • • 0		X • • • 65	
Indicated Monthly Market Rent		4.4 \$		1,770 \$		0.0 \$		5.0 \$	
Comments on market data, including the range of rents for single family properties, an estimate of vacancy for single family rental properties, the general trend of rents and vacancy, and support for the above adjustments. (Rent concessions should be adjusted to the market, not to the subject property.)		<p>The comparables selected are three currently rented homes from the subject's immediate neighborhood as well as other nearby, competing neighborhoods. Adjustments were made for bedroom counts and garages. After the adjustment process was completed, all three comparables illustrated a narrow range of adjusted monthly rental amounts. All three comparables were given consideration in estimating the subject's monthly market rent. Most emphasis was given to Comparable 2 for its similar square footage and similar 5 bedroom design.</p>							
Final Reconciliation of Market Rent: All three comparables were given consideration in estimating the subject's monthly market rent. As stated previously, most consideration was given to Comparable 2 for its overall similarity.									
I (WE) ESTIMATE THE MONTHLY MARKET RENT OF THE SUBJECT AS OF		10/24/2018		TO BE \$		1,775			
APPRaiser		Signature: 		Name: Jeffrey D. Ellington		Date Report Signed: 11/05/2018		State Certification #: 4001 003646	
SUPERVISORY APPRAISER (ONLY IF REQUIRED)		Signature:		Name:		Date Report Signed:		State Certification #	
		Or State License #		State:		Or State License #		State:	
		Date Property Inspected:		Date Property Inspected:		Date Property Inspected:		Date Property Inspected:	
		<input type="checkbox"/> Did <input type="checkbox"/> Did Not Inspect Property							

SINGLE FAMILY COMPARABLE RENT SCHEDULE

This form is intended to provide the appraiser with a familiar format to estimate the market rent of the subject property. Adjustments should be made only for items of significant difference between the comparables and the subject property.

Sinnen-Green & Associates, Inc. File No. SG18-309118

ITEM	SUBJECT	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	1269 N. King St Hampton, VA 23669	120 E. Little Back River Rd Hampton, VA 23669	25 Old Fox Hill Rd Hampton, VA 23669	87 Fox Hill Rd Hampton, VA 23669
Proximity to Subject		0.48 miles NE	0.37 miles SE	0.48 miles SE
Date Lease Begins	Unknown	Annually	Annually	Annually
Date Lease Expires	Unknown	Annually	Annually	Annually
Monthly Rental	If Currently Rented: \$ Unknown	\$ 900	\$ 995	\$ 900
Less: Utilities	\$ 0	\$ 0	\$ 0	\$ 0
Furniture	\$	\$	\$	\$
Adjusted Monthly Rent	\$ 0	\$ 900	\$ 995	\$ 900
Data Source	Exterior Inspection, City Records	REIN #10137067, DOM 307 City Records/Exterior Inspection	REIN #10178671, DOM 19 City Records/Exterior Inspection	REIN #10178345, DOM 37 City Records/Exterior Inspection
RENT ADJUSTMENTS	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION
Rent	None	None	None	None
Concessions				
Location/View	N.Res. N.Res.Traffic	N.Res. N.Res.Traffic	N.Res. N.Res.Traffic	N.Res. N.Res.Traffic
Design and Appeal	Ranch	Colonial	Ranch	Ranch
Age/Condition	70 Average	104 Average	60 Average	64 Average
Above Grade Room Count	6 3 1.00	6 3 2.00	6 4 2.00	5 3 1.00
Gross Living Area	1,161 Sq. Ft.	1,168 Sq. Ft.	1,443 Sq. Ft.	912 Sq. Ft.
Other (e.g. basement, etc.)	0sf	0sf	0sf	0sf
Other	1gd4dw Midland	None Pine Grove	1gd4dw Old Fox Hill	None Pine Grove
Net Adj. (total)	X 0	50	75	50
Indicated Monthly Market Rent		\$ 950	\$ 920	\$ 950

Comments on market data, including the range of rents for single family properties, an estimate of vacancy for single family rental properties, the general trend of rents and vacancy, and support for the above adjustments. (Rent concessions should be adjusted to the market, not to the subject property.)


The comparables selected are four currently rented homes from the subject's immediate neighborhood as well as other nearby, competing neighborhoods. Adjustments were made for view amenity (traffic), bedroom counts, and garages. After the adjustment process was completed, all four comparables illustrated a narrow range of adjusted monthly rental amounts. All four comparables were given consideration in estimating the subject's monthly market rent.

Final Reconciliation of Market Rent: All four comparables were given consideration in estimating the subject's monthly market rent.

I (WE) ESTIMATE THE MONTHLY MARKET RENT OF THE SUBJECT AS OF 10/24/2018 TO BE \$ 950

APPRaiser

SUPERVISORY APPRAISER (ONLY IF REQUIRED)

Signature: 

Name: Jeffery D. Elington

Date Report Signed: 11/07/2018

State Certification #: 4001003646 State: VA

Or State License #: State

Date Property Inspected: 10/24/2018

Certified Residential Real Estate Appraiser

☐ Did ☐ Did Not Inspect Property

SINGLE FAMILY COMPARABLE RENT SCHEDULE


This form is intended to provide the appraiser with a familiar format to estimate the market rent of the subject property. Adjustments should be made only for items of significant difference between the comparables and the subject property.

		Sinnen-Green & Associates, Inc.		File No. SG18-309118	
ITEM	SUBJECT	COMPARABLE NO. 4	COMPARABLE NO. 5	COMPARABLE NO. 6	
Address	1269 N. King St Hampton, VA 23669	69 Cavalier RD Hampton, VA 23669			
Proximity to Subject		0.27 miles NE			
Date Lease Begins	Unknown	Annually			
Date Lease Expires	Unknown	Annually			
Monthly Rental	If Currently Rented: \$ Unknown	\$ 995	\$	\$	
Less: Utilities	\$ 0	\$ 0	\$	\$	
Furniture	\$	\$	\$	\$	
Adjusted Monthly Rent	\$ 0	\$ 995	\$	\$	
Date Source	Exterior Inspection, City Records	REIN #10164785, DOM 59 City Records/Exterior Inspection			
RENT ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+/- \$ Adjustment	DESCRIPTION	+/- \$ Adjustment
Rent		None			
Concessions					
Location/View	N.Res, N.Res; Traffic	N.Res, N.Res	-25		
Design and Appeal	Ranch	Ranch			
Age/Condition	70 Average	75 Average	0		
Above Grade Room Count	Total: 6, Baths: 3, Area: 1,000	Total: 6, Baths: 3, Area: 2,000	0	Total: , Baths: , Area:	Total: , Baths: , Area:
Gross Living Area	1,161 Sq. Ft.	1,232 Sq. Ft.	0	Sq. Ft.	Sq. Ft.
Other (e.g., basement, etc.)	0sf	0sf			
Other	1gd4dw Midland	1ga2dw Cavalier Court	0		
Net Adj. (total)		25	0		
Indicated Monthly Market Rent		970	0.0	0.0	

Comments on market data, including the range of rents for single family properties, an estimate of vacancy for single family rental properties, the general trend of rents and vacancy and support for the above adjustments. (Rent concessions should be adjusted to the market, not to the subject property.)

SINGLE FAMILY COMPARABLE RENT SCHEDULE

This form is intended to provide the appraiser with a familiar format to estimate the market rent of the subject property. Adjustments should be made only for items of significant difference between the comparables and the subject property.

ITEM		SUBJECT	COMPARABLE NO. 1		COMPARABLE NO. 2		COMPARABLE NO. 3	
Address		400 Cedar Ln Hampton VA 23669	103 Walnut St Hampton VA 23669		29 Westover St Hampton VA 23669		446 Cedar Dr Hampton VA 23669	
Proximity to Subject			0.39 miles NW		0.62 miles NW		0.22 miles SW	
Date Lease Begins		Unknown	Annually		Annually		Annually	
Date Lease Expires		Unknown	Annually		Annually		Annually	
Monthly Rental		If Currently Rented: \$ Unknown	\$ 995		\$ 850		\$ 950	
Less: Utilities		\$ 0	\$ 0		\$ 0		\$ 0	
Furniture		\$	\$		\$		\$	
Adjusted Monthly Rent		\$ 0	\$ 995		\$ 850		\$ 950	
Data Source		Exterior Inspection, City Records	REIN #10176375, DOM 18 City Records/Exterior Inspection		REIN #10179853, DOM 20 City Records/Exterior Inspection		REIN #10222159, DOM 5 City Records/Exterior Inspection	
RENT ADJUSTMENTS		DESCRIPTION	DESCRIPTION		DESCRIPTION		DESCRIPTION	
Rent		None	None		None		None	
Concessions								
Location/View		N, Res, N, Res,	N, Res, N, Res,		N, Res, N, Res,		N, Res, N, Res,	
Design and Appeal		Ranch	Ranch		Ranch		Ranch	
Age/Condition		65 Average	65 Good -50		70 Average 0		64 Average 0	
Above Grade Room Count		5 2 1.00	4 2 1.00		4 2 1.00		5 3 1.00	
Gross Living Area		768 Sq. Ft.	720 Sq. Ft.		750 Sq. Ft.		996 Sq. Ft.	
Other (e.g. basement, etc.)		Os!	Os!		Os!		Os!	
Other		None	None		None		None	
Fence			Pine Grove		Westover		Pine Grove	
Net Adj. (total)			50		0		75	
Indicated Monthly Market Rent		\$ 0	\$ 945		\$ 850		\$ 875	
<p>Comments on market data: Including the range of rents for single family properties, an estimate of vacancy for single family rental properties, the general trend of rents and vacancy and support for the above adjustments. (Rent concessions should be adjusted to the market, not to the subject property.)</p> <p>The comparables selected are four currently rented homes from the subject's immediate neighborhood as well as other nearby, competing neighborhoods. Adjustments were made for overall condition, bedroom counts, and neighborhood locations. After the adjustment process was completed, all four comparables illustrated a narrow range of adjusted monthly rental amounts. All four comparables were given consideration in estimating the subject's monthly market rent.</p>								
<p>Final Reconciliation of Market Rent: All four comparables were given consideration in estimating the subject's monthly market rent.</p>								
<p>I (WE) ESTIMATE THE MONTHLY MARKET RENT OF THE SUBJECT AS OF 10/24/2018 TO BE \$ 875</p>								
<p>APPRaiser: SUPERVISORY APPRAISER (ONLY IF REQUIRED)</p>								
<p>Signature:  Signature: _____</p>								
<p>Name: Jeffrey D. Elington Name: _____</p>								
<p>Date Report Signed: 11/06/2018 Date Report Signed: _____</p>								
<p>State Certification #: 4001003646 State: VA State Certification #: _____ State: _____</p>								
<p>Or State License #: _____ Or State License #: _____</p>								
<p>Date Property Inspected: 10/24/2018 Date Property Inspected: _____</p>								
<p>Certified Residential Real Estate Appraiser</p>								
<p><input type="checkbox"/> Did <input type="checkbox"/> Did Not Inspect Property</p>								

SINGLE FAMILY COMPARABLE RENT SCHEDULE

This form is intended to provide the appraiser with a familiar format to estimate the market rent of the subject property. Adjustments should be made only for items of significant difference between the comparables and the subject property.

ITEM		SUBJECT	COMPARABLE NO. 4		COMPARABLE NO. 5		COMPARABLE NO. 6	
Address		400 Cedar Ln Hampton, VA 23669	6 Salem St Hampton, VA 23669					
Proximity to Subject			0.86 miles SW					
Date Lease Begins		Unknown	Annually					
Date Lease Expires		Unknown	Annually					
Monthly Rental		Currently Rented: \$ Unknown	\$ 850		\$		\$	
Less: Utilities		\$ 0	\$ 0		\$		\$	
Furniture		\$	\$ 0		\$		\$	
Adjusted Monthly Rent		\$ 0	\$ 850		\$		\$	
Data Source		Exterior Inspection, City Records	REIN #10211387, DOM 63 City Records/Exterior Inspection					
RENT ADJUSTMENTS		DESCRIPTION	DESCRIPTION	+/- \$ Adjustment	DESCRIPTION	+/- \$ Adjustment	DESCRIPTION	+/- \$ Adjustment
Rent			None					
Concessions								
Location/View		N, Res, N, Res;	N, Res N, Res;					
Design and Appeal		Ranch	Ranch					
Age/Condition		65 Average	50 Average	0				
Above Grade Room Count		5 2 1.00	4 2 1.00					
Gross Living Area		768 Sq. Ft.	776 Sq. Ft.	0				
Other (e.g. basement, etc.)		OsI	OsI					
Other		None Fence	None Chambersville	-25				
Net Adj. (total)			(X) 0	25				
Indicated Monthly Market Rent			2.9	875				

Comments on market data: Including the range of rents for single family properties, an estimate of vacancy for single family rental properties, the general trend of rents and vacancy and support for the above adjustments. (Rent concessions should be adjusted to the market, not to the subject property.)

SINGLE FAMILY COMPARABLE RENT SCHEDULE

This form is intended to provide the appraiser with a familiar format to estimate the market rent of the subject property. Adjustments should be made only for items of significant difference between the comparables and the subject property.

ITEM		SUBJECT	COMPARABLE NO. 1		COMPARABLE NO. 2		COMPARABLE NO. 3	
Address		112 Beverly St Hampton VA 23669	103 Walnut St Hampton VA 23669		402 Pine Grove Ave Hampton VA 23669		446 Cedar Dr Hampton VA 23669	
Proximity to Subject			0.18 miles SW		0.15 miles SE		0.55 miles SE	
Date Lease Begins		Unknown	Annually		Annually		Annually	
Date Lease Expires		Unknown	Annually		Annually		Annually	
Monthly Rental		N/C Currently Rented \$	Unknown		995		895	
Less: Utilities		\$ 0	\$ 0		\$ 0		\$ 0	
Furniture		\$	\$		\$		\$	
Adjusted Monthly Rent		\$ 0	\$ 995		\$ 895		\$ 950	
Data Source		Exterior Inspection, City Records	REIN #10176375, DOM 18 City Records/Exterior Inspection		REIN #10180477, DOM 41 City Records/Exterior Inspection		REIN #10222159, DOM 5 City Records/Exterior Inspection	
RENT ADJUSTMENTS		DESCRIPTION	DESCRIPTION		DESCRIPTION		DESCRIPTION	
Rent		None	None		None		None	
Concessions								
Location/View		N/Res, N/Res	N/Res, N/Res		N/Res, N/Res		N/Res, N/Res	
Design and Appeal		Ranch	Ranch		Ranch		Ranch	
Age/Condition		66 Average	65 Good		66 Average		64 Average	
Above Grade Room Count		7	4		6		5	
Gross Living Area		1,440 sq. ft.	720 sq. ft.		854 sq. ft.		996 sq. ft.	
Other (e.g. basement, etc.)		0sf	0sf		0sf		0sf	
Other		Det. Garage	None		None		None	
Net Adj. (Total)		135	135		100		90	
Indicated Monthly Market Rent		23.6	11.2		11.2		9.5	
		136	112		995		1,040	
<p>Comments on market data, including the range of rents for single family properties, an estimate of vacancy for single family rental properties, the general trend of rents and vacancy and support for the above adjustments. (Rent concessions should be adjusted to the market, not to the subject property.)</p> <p>The comparables selected are four currently rented homes from the subject's immediate neighborhood as well as other nearby, competing neighborhoods. Adjustments were made for overall condition, bedroom counts, square footages, and detached garages. After the adjustment process was completed, all four comparables illustrated a narrow range of adjusted monthly rental amounts. All four comparables were given consideration in estimating the subject's monthly market rent.</p>								
<p>Final Reconciliation of Market Rent: All four comparables were given consideration in estimating the subject's monthly market rent.</p>								
<p>I (WE) ESTIMATE THE MONTHLY MARKET RENT OF THE SUBJECT AS OF 10/24/2018 TO BE \$ 1,000</p>								
<p>APPRaiser SUPERVISORY APPRAISER (ONLY IF REQUIRED)</p>								
<p>Signature Name Date Report Signed State Certification # State VA Or State License # State Date Property Inspected 10/24/2018 Certified Residential Real Estate Appraiser</p>								

SINGLE FAMILY COMPARABLE RENT SCHEDULE

This form is intended to provide the appraiser with a familiar format to estimate the market rent of the subject property. Adjustments should be made only for items of significant difference between the comparables and the subject property.

Sinner-Green & Associates, Inc.										File No. SG18-309120	
ITEM	SUBJECT	COMPARABLE NO. 4			COMPARABLE NO. 5			COMPARABLE NO. 6			
Address	112 Beverly St Hampton VA 23669	105 Forrest St Hampton VA 23669									
Proximity to Subject		0.12 miles SW									
Date Lease Begins	Unknown	Annually									
Date Lease Expires	Unknown	Annually									
Monthly Rental	If Currently Rented: \$ Unknown	\$ 950									
Less: Utilities	\$ 0	\$ 0									
Furniture	\$ 0	\$ 0									
Adjusted Monthly Rent	\$ 0	\$ 950									
Data Source	Exterior Inspection, City Records	REIN #10189858, DOM 28 City Records/Exterior Inspection									
RENT ADJUSTMENTS	DESCRIPTION	DESCRIPTION	-/+ \$ Adjustment	DESCRIPTION	-/+ \$ Adjustment	DESCRIPTION	-/+ \$ Adjustment	DESCRIPTION	-/+ \$ Adjustment		
Rent		None									
Concessions											
Location/View	N, Res. N, Res.	N, Res. N, Res.									
Design and Appeal	Ranch	Ranch									
Age/Condition	66 Average	68 Average	0								
Above Grade Room Count	7 3 1.00	6 3 1.00	0								
Gross Living Area	1,440 Sq. Ft.	999 Sq. Ft.	-40								
Other (e.g. basement, etc.)	0sf	0sf									
Other	Det. Garage Pine Grove	Det. Garage Pine Grove									
Net Adj. Rate		X +	40								
Indicated Monthly Market Rent		4.2	\$ 950								
Comments on market data including the range of rents for single family properties, an estimate of vacancy for single family rental properties, the general trend of rents and vacancy and support for the above adjustments. (Rent concessions should be adjusted to the market, not to the subject property.)											

SINGLE FAMILY COMPARABLE RENT SCHEDULE

This form is intended to provide the appraiser with a familiar format to estimate the market rent of the subject property. Adjustments should be made only for items of significant difference between the comparables and the subject property.

Sinnen-Green & Associates, Inc.

File No. SG18-309119

ITEM	SUBJECT	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	329 Walnut St Hampton VA 23669	103 Walnut St Hampton VA 23669	29 Westover St Hampton VA 23669	446 Cedar Dr Hampton VA 23669
Proximity to Subject		0.34 miles NW	0.58 miles SW	0.25 miles SW
Date Lease Begins	Unknown	Annually	Annually	Annually
Date Lease Expires	Unknown	Annually	Annually	Annually
Monthly Rental	If Currently Rented: \$ Unknown	\$ 995	\$ 850	\$ 950
Less: Utilities	\$ 0	\$ 0	\$ 0	\$ 0
Furniture	\$	\$	\$	\$
Adjusted Monthly Rent	\$ 0	\$ 995	\$ 850	\$ 950
Data Source	Exterior Inspection, City Records	REIN #10176375 DOM 18 City Records/Exterior Inspection	REIN #10179853 DOM 20 City Records/Exterior Inspection	REIN #10222159 DOM 5 City Records/Exterior Inspection
RENT ADJUSTMENTS	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION
Rent		None	None	None
Concessions				
Location/View	N, Res. N, Res.	N, Res. N, Res.	N, Res. N, Res.	N, Res. N, Res.
Design and Appeal	Ranch	Ranch	Ranch	Ranch
Age/Condition	65 Average	65 Good	70 Average	64 Average
Above Grade Room Count	4 2 1.00	4 2 1.00	4 2 1.00	5 3 1.00
Gross Living Area	768 sq ft	720 sq ft	750 sq ft	996 sq ft
Other (e.g. basement, etc.)	0sf	0sf	0sf	0sf
Other	None Pine Grove	None Pine Grove	None Westover	None Pine Grove
Net Adj. Total		50	0	75
Indicated Monthly Market Rent		5.0 -5.0 \$ 945	0.0 0.0 \$ 850	7.9 -7.9 \$ 875

Comments on market data: Including the range of rents for single family properties, an estimate of vacancy for single family rental properties, the general trend of rents and vacancy and support for the above adjustments. (Rent concessions should be adjusted to the market, not to the subject property.)


The comparables selected are four currently rented homes from the subject's immediate neighborhood as well as other nearby, competing neighborhoods. Adjustments were made for overall condition, bedroom counts, and neighborhood locations. After the adjustment process was completed, all four comparables illustrated a narrow range of adjusted monthly rental amounts. All four comparables were given consideration in estimating the subject's monthly market rent.

Final Reconciliation of Market Rent: All four comparables were given consideration in estimating the subject's monthly market rent.

I (WE) ESTIMATE THE MONTHLY MARKET RENT OF THE SUBJECT AS OF 10/24/2018 TO BE \$ 875

APPRAISER

SUPERVISORY APPRAISER (ONLY IF REQUIRED)

Signature 
Name John D. Ellington
Date Report Signed 11/05/2018
State Certification # 4001003646 State VA
Or State License # State
Date Property Inspected 10/24/2018
Certified Residential Real Estate Appraiser

Signature _____
Name _____
Date Report Signed _____
State Certification # _____ State
Or State License # _____ State
Date Property Inspected _____

☐ Did ☐ Did Not Inspect Property

SINGLE FAMILY COMPARABLE RENT SCHEDULE

This form is intended to provide the appraiser with a familiar format to estimate the market rent of the subject property. Adjustments should be made only for items of significant difference between the comparables and the subject property.

ITEM		SUBJECT		COMPARABLE NO. 4		COMPARABLE NO. 5		COMPARABLE NO. 6	
Address		329 Walnut St Hampton, VA 23669		6 Salem St Hampton, VA 23669					
Proximity to Subject				0.87 miles SW					
Date Lease Begins		Unknown		Annually					
Date Lease Expires		Unknown		Annually					
Monthly Rental		If Currently Rented: \$ Unknown		\$ 850		\$		\$	
Less: Utilities		\$ 0		\$ 0		\$		\$	
Furniture		\$		\$ 0		\$		\$	
Adjusted Monthly Rent		\$ 0		\$ 850		\$		\$	
Data Source		Exterior Inspection City Records		REIN #10211387, DOM 63 City Records/Exterior Inspection					
RENT ADJUSTMENTS		DESCRIPTION		DESCRIPTION		DESCRIPTION		DESCRIPTION	
Rent		None		None		None		None	
Concessions									
Location/View		N. Res. N. Res.		N. Res. N. Res.					
Design and Appeal		Ranch		Ranch					
Age/Condition		65 Average		50 Average		0			
Above Grade Room Count		Total: 4, Baths: 2, Bkts: 1.00		Total: 4, Baths: 2, Bkts: 1.00					
Gross Living Area		768 sq. ft.		776 sq. ft.		0			
Other (e.g. basement, etc.)		Ost		Ost					
Other		None Pine Grove		None Chambersville		-25			
Net Adj. Total		X		25					
Indicated Monthly Market Rent		2.9		2.9		875		\$	
<p>Comments on market data, including the range of rents for single family properties, an estimate of vacancy for single family rental properties, the general trend of rents and vacancy, and support for the above adjustments. (Rent concessions should be adjusted to the market, not to the subject property.)</p>									

CHAMPLIN & FOREMAN, PLLC

1919 Huguenot Road
North Chesterfield, Virginia 23235
Telephone: (804) 379-1900
Fax: (804) 379-5407

June 5, 2020

VIA U.S. MAIL ONLY

Hon. Linda Batchelor Smith
Hampton Circuit Court
P.O. Box 40
237 N. King Street
Hampton, VA 23669

Re: Cruz Elisa Matilde de Sosa a/k/a Eliza Sosa v. Michelle Irena Sosa,
Administratrix for the Estate of Juan Manuel Sosa Avila, and Miguel Sosa
Avila
Case No.: CL19-496-00

Dear Hon. Linda Batchelor Smith:

I hope your office is doing well. Please file the attached Motion and Decree in your usual manner.

Ms. Durham is also Cc'd on this correspondence as we previously discussed the pleadings with her via email and telephone.

Please do not hesitate to contact us if you have questions or require further information.

Sincerely,



Brian L. Fayman, Esq.

BLF/yg

(Enclosures)

Cc: E. Wayne Powell, Esq (via email only)
Geril Garcia (via email only)
Ms. Beth Durham (via email)

EXHIBIT 8

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF HAMPTON

CRUZ ELISA MATILDE DE SOSA,
AKA ELIZA SOSA,
Plaintiff,

v.

Case No.: CL19000496-00

MICHELLE IRENE SOSA,
Administratrix for the Estate of
Juan Manuel Sosa Avila

and

MIGUEL SOSA AVILA,
An Individual,

and

SAMUEL I. WHITE, P.C.,
Trustee,

and

NECTAR PROJECTS INC.,
Trustee,

and

EQUITY TRUSTEES, LLC,
Trustee,

and

PRLAP, INC.,
Trustee,

and

MIDLAND FUNDING LLC,
Judgment Creditor,

and

TIDEWATER FAMILY HEALTH
CENTERS LTD.,

Judgment Creditor,

and

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Creditor,

and

BANK OF AMERICA, N.A.,
Creditor,

and

SELECT PORTFOLIO SERVICING,
INC.,

Creditor,

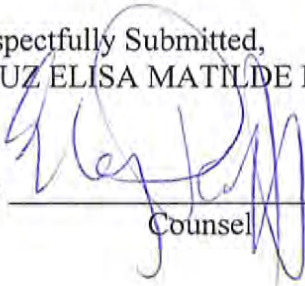
Defendants.

MOTION FOR DECREE OF REFERENCE

Comes now your Petitioner, Cruz Elisa Matilde De Sosa a/k/a Eliza Sosa, hereinafter (the “Plaintiff”) by Counsel, and respectfully moves the Court for the entry of a Decree of Reference referring certain matters in this cause to J. Robert Harris, III, Esquire, as a Commissioner in Chancery, there being good cause in this matter for the appointment of a Commissioner in Chancery who will inquire and report as follows:

1. The real estate owned by defendant, **MIGUEL SOSA AVILA** (the “Defendant”), wheresoever located in Hampton, Virginia: including, but not limited to the following properties:
 - a. 253 Beauregard Heights, Hampton, Virginia 23669 (“Property 1”)
 - b. 1269 North King Street, Hampton, Virginia 23669 (“Property 2”)
 - c. 400 Cedar Drive, Hampton, Virginia 23669 (“Property 3”)
 - d. 112 Beverly Street, Hampton, Virginia 23669 (“Property 4”)
 - e. 329 Walnut Street, Hampton, Virginia 23669 (“Property 5”)
2. An account of all delinquent taxes on the real estate and all other liens binding on the real estate, the amounts, and the order of their priorities.
3. The rental value and fee simple value of the real estate owned by the Defendant, and whether the rents and profits therefrom will in five (5) years satisfy the liens binding on same, if rented out by decree of Court.
4. To ascertain and report whether all parties in interest are properly before the Court.
5. To report all matters deemed pertinent by the Commissioner, and such matters concerning, which he requested to report by any party in interest, if the same be pertinent to the issues in this cause.


Respectfully Submitted,
CRUZ ELISA MATILDE DE SOSA

By: 
Counsel

Counsel for Plaintiff

E. Wayne Powell, Esq (VSB# 19550)
Powell Law Group, PC
14407 Justice Road
Midlothian, Virginia 23113-6902
Phone: (804) 794-4030
Facsimile: (804) 794-6576

Co-Counsel for Plaintiff

By: 
Brian L. Fayman, Esq. (VSB# 80351)
CHAMPLIN & FOREMAN, PLLC
1919 Huguenot Road
North Chesterfield, Virginia 23235
Telephone: (804) 379-1900
Facsimile: (804) 379-9547
bfayman@cflawrva.com

CERTIFICATE OF SERVICE

We hereby certify that a true copy of the foregoing Decree was mailed first class, postage prepaid, this 5th day of June 2020, to the following:

MICHELLE IRENE SOSA, Administratrix for the Estate of Juan Manuel Sosa Avila,
253 Beauregard Hts.,
Hampton, Virginia 23669;

David S. Dildy, Esq.
Robert E. Long and Associates, Ltd
5 West Queen's Way
Hampton, VA 23669;

MIGUEL SOSA AVILA, Individual
253 Beuregard Hts.
Hampton, VA 23669;

William Adam White, Registered Agent for:
SAMUEL I. WHITE, P.C., Trustee,
5040 Corporate Woods Dr,
Suite 120,
Virginia Beach, VA 23462;

Tina B. McDaniel, Registered Agent for:
NECTAR PROJECTS INC., Trustee,
1402 Ribbon Limestone Terrace SE
Leesburg, VA 20175;

Howard N. Bierman, Registered Agent for:
EQUITY TRUSTEES, LLC Trustee,
2101 Wilson Blvd.,
Suite 1004,
Arlington, VA 22201;

CT Corporation System, Registered Agent for:
PRLAP, INC., Trustee,
4701 Cox Road,
Suite 285,
Glenn Allen, VA 23060;

Corporation Service Company, Registered Agent for:
MIDLAND FUNDING LLC, Judgment Creditor
100 Shockoe Slip,
2nd Floor,
Richmond, VA 23219;

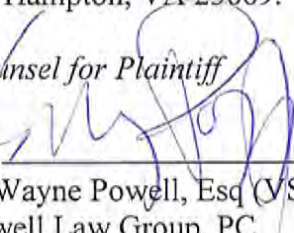
TIDEWATER FAMILY HEALTH CENTERS LTD., Judgment Creditor
P.O. Box 184, White Marsh, VA 23183;
Ron Jean, Registered Agent for:
FEDERAL NATIONAL MORTGAGE ASSOCIATION, Creditor,
3900 Wisconsin Avenue NW,
Washington, D.C. 20016;

CT Corporation System Registered Agent for:
BANK OF AMERICA, N.A., Creditor,
4701 Cox Road,
Suite 285,
Glen Allen, VA 23060;

Corporation Service Company, Registered Agent for:
SELECT PORTFOLIO SERVICING, INC., Creditor,
100 Shockoe Slip,
2nd Floor,
Richmond, VA 23219;

J. Robert Harris, III
Hampton Commissioner in Chancery
34 Queens Way
Hampton, VA 23669.

Counsel for Plaintiff

By: 
E. Wayne Powell, Esq (YSB# 19550)
Powell Law Group, PC
14407 Justice Road
Midlothian, Virginia 23113-6902
Phone: (804) 794-4030
Facsimile: (804) 794-6576

Co-Counsel for Plaintiff

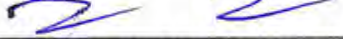
By: 
Brian L. Fayman, Esq. (YSB# 80351)
CHAMPLIN & FOREMAN, PLLC
1919 Huguenot Road
North Chesterfield, Virginia 23235
Telephone: (804) 379-1900
Facsimile: (804) 379-9547
bfayman@cflawrva.com

EXHIBIT 9

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF HAMPTON

CRUZ ELISA MATILDE DE SOSA,
AKA ELIZA SOSA,
Plaintiff,

v.

Case No.: CL19000496-00

MICHELLE IRENE SOSA,
Administratrix for the Estate of
Juan Manuel Sosa Avila

and

MIGUEL SOSA AVILA,
An Individual,

and

SAMUEL I. WHITE, P.C.,
Trustee,

and

NECTAR PROJECTS INC.,
Trustee,

and

EQUITY TRUSTEES, LLC,
Trustee,

and

PRLAP, INC.,
Trustee,

and

MIDLAND FUNDING LLC,
Judgment Creditor,

and

TIDEWATER FAMILY HEALTH
CENTERS LTD.,

Judgment Creditor,
and

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Creditor,

and

BANK OF AMERICA, N.A.,
Creditor,

and

SELECT PORTFOLIO SERVICING,
INC.,

Creditor,

Defendants.

CHANCERY DECREE OF REFERENCE

This cause, which has been regularly matured upon Complaint, by Plaintiff, and Answers, where filed of the Defendants and/or Trustees, and upon Motion by the Plaintiff.

Upon consideration whereof, this cause is referred to J. Robert Harris, III, one of the Commissioners in Chancery of this Court, who will inquire and report as follows:

1. The real estate owned by defendant, **MIGUEL SOSA AVILA** (the "Defendant"), wheresoever located in Hampton, Virginia: including, but not limited to the following properties:
 - a. 253 Beauregard Heights, Hampton, Virginia 23669 ("Property 1")
 - b. 1269 North King Street, Hampton, Virginia 23669 ("Property 2")
 - c. 400 Cedar Drive, Hampton, Virginia 23669 ("Property 3")
 - d. 112 Beverly Street, Hampton, Virginia 23669 ("Property 4")
 - e. 329 Walnut Street, Hampton, Virginia 23669 ("Property 5")
2. An account of all delinquent taxes on the real estate and all other liens binding on the real estate, the amounts, and the order of their priorities.
3. The rental value and fee simple value of the real estate owned by the Defendant, and whether the rents and profits therefrom will in five (5) years satisfy the liens binding on same, if rented out by decree of Court.
4. To ascertain and report whether all parties in interest are properly before the Court.
5. To report all matters deemed pertinent by the Commissioner, and such matters concerning, which he requested to report by any party in interest, if the same be pertinent to the issues in this cause.

ENTER: _____

Judge

DATE: _____

WE ASK FOR THIS:

Counsel for Plaintiff

By: 

E. Wayne Powell, Esq (VSB# 19550)
Powell Law Group, PC
14407 Justice Road
Midlothian, Virginia 23113-6902
Phone: (804) 794-4030
Facsimile: (804) 794-6576

Co-Counsel for Plaintiff

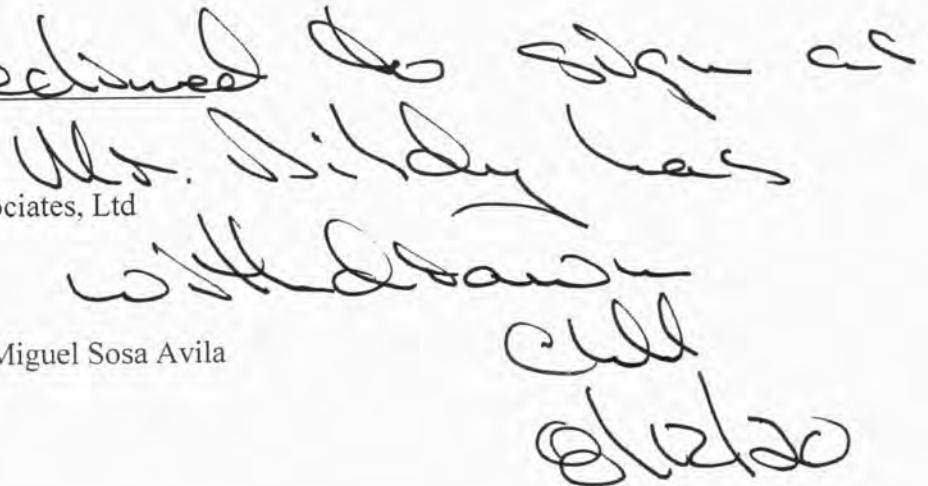
By: 

Brian L. Fayman, Esq. (VSB# 80351)
CHAMPLIN & FOREMAN, PLLC
1919 Huguenot Road
North Chesterfield, Virginia 23235
Telephone: (804) 379-1900
Facsimile: (804) 379-9547
bfayman@cflawrva.com

SEEN AND 

David S. Dildy, Esq.
Robert E. Long and Associates, Ltd
5 West Queen's Way
Hampton, VA 23669

Counsel for Defendant, Miguel Sosa Avila


Mr. Dildy has
with drawn
Call
01/21/20

CERTIFICATE OF SERVICE

We hereby certify that a true copy of the foregoing Decree was mailed first class, postage prepaid, this 5th day of June 2020, to the following:

MICHELLE IRENE SOSA, Administratrix for the Estate of Juan Manuel Sosa Avila,
253 Beauregard Hts.,
Hampton, Virginia 23669;

David S. Dildy, Esq.
Robert E. Long and Associates, Ltd
5 West Queen's Way
Hampton, VA 23669;

William Adam White, Registered Agent for:
SAMUEL I. WHITE, P.C., Trustee,
5040 Corporate Woods Dr,
Suite 120,
Virginia Beach, VA 23462;

Tina B. McDaniel, Registered Agent for:
NECTAR PROJECTS INC., Trustee,
1402 Ribbon Limestone Terrace SE
Leesburg, VA 20175;

Howard N. Bierman, Registered Agent for:
EQUITY TRUSTEES, LLC Trustee,
2101 Wilson Blvd.,
Suite 1004,
Arlington, VA 22201;

CT Corporation System, Registered Agent for:
PRLAP, INC., Trustee,
4701 Cox Road,
Suite 285,
Glenn Allen, VA 23060;

Corporation Service Company, Registered Agent for:
MIDLAND FUNDING LLC, Judgment Creditor
100 Shockoe Slip,
2nd Floor,
Richmond, VA 23219;

TIDEWATER FAMILY HEALTH CENTERS LTD., Judgment Creditor
P.O. Box 184
White Marsh, VA 23183;

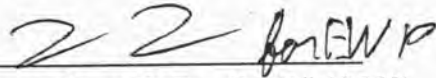
Ron Jean, Registered Agent for:
FEDERAL NATIONAL MORTGAGE ASSOCIATION, Creditor,
3900 Wisconsin Avenue NW,
Washington, D.C. 20016;

CT Corporation System Registered Agent for:
BANK OF AMERICA, N.A., Creditor,
4701 Cox Road,
Suite 285,
Glen Allen, VA 23060;

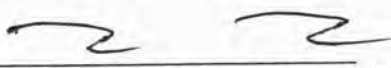
Corporation Service Company, Registered Agent for:
SELECT PORTFOLIO SERVICING, INC., Creditor,
100 Shockoe Slip,
2nd Floor,
Richmond, VA 23219;

J. Robert Harris, III
Hampton Commissioner in Chancery
34 Queens Way
Hampton, VA 23669.

Counsel for Plaintiff

By: 
E. Wayne Powell, Esq (VSB# 19550)
Powell Law Group, PC
14407 Justice Road
Midlothian, Virginia 23113-6902
Phone: (804) 794-4030
Facsimile: (804) 794-6576

Co-Counsel for Plaintiff

By: 
Brian L. Fayman, Esq. (VSB# 80351)
CHAMPLIN & FOREMAN, PLLC
1919 Huguenot Road
North Chesterfield, Virginia 23235
Telephone: (804) 379-1900
Facsimile: (804) 379-9547
bfayman@cflawrva.com

I certify that the document to which
this authentication is affixed is a true
copy of an original record in the
Hampton Circuit Court, that I have the
custody of the record and I am the
custodian of that record.

LINDA BATCHELOR SMITH, CLERK

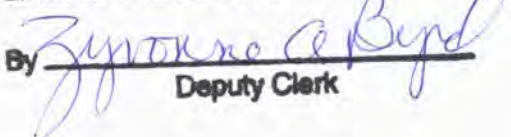
By: 
Deputy Clerk

EXHIBIT 10

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF HAMPTON

**CRUZ ELISA MATILDE DE SOSA,
AKA ELIZA SOSA,**

Plaintiff,

v.

CASE NO.: CL19-496

MICHELLE IRENE SOSA, *et als*,

Defendants.

REPORT OF COMMISSIONER

By Decree of Reference entered, your Commissioner was referred to report on the inquiries set forth therein, and your Commissioner reports as follows:

1. Upon initial inquiry, your Commissioner notes that the Default Judgment entered by this Court on March 26, 2019, (the Judgment) was against, *inter alia*, Miguel Sosa Avila. (Exhibit A of Complaint) The real properties (the "Properties") that were the subject of the Decree of Reference are titled as follows:

<u>Property</u>	<u>Title Owner</u>
Property 1 253 Beauregard Hgts, Hampton, Virginia	Miguel A. Sosa
Property 2 1269 N. King Street, Hampton, Virginia	Miguel A. Sosa
Property 3 400 Cedar Drive, Hampton, Virginia	Miguel Sosa
Property 4 112 Beverly Street, Hampton, Virginia	Miguel A. Sosa
Property 5 329 Walnut Street, Hampton, Virginia	Miguel A. Sosa
Other: 431 Walnut Street, Hampton, Virginia	Miguel Sosa

2. Upon investigation by your Commissioner, and information provided by Plaintiff's counsel, Miguel A. Sosa and Miguel Sosa Avila (also known as Miguel Sosa Avilia, Miguel Sosa-Avila, Miguel Angel Sosa Avilia and Miguel Angel Sosa) and are one and the same person. That information is as follows:

Commissioner's Exhibit 1 – Abstract of Judgment against Miguel Sosa Avilia whose address is 253 Beauregard Hts, Hampton, Virginia (Property 1) by the Hampton General District Court dated December 20, 2016.

Commissioner's Exhibit 2 – Abstract of Judgment against Miguel A. Sosa whose address is 253 Beauregard Hts, Hampton, Virginia (Property 1) by the Hampton General District Court dated June 25, 2019.

Commissioner's Exhibit 3 – Garnishment Summons issued against Miguel Sosa-Avila whose address is 253 Beauregard Hgts, Hampton, Virginia (Property 1) and last four digits of his Social Security Number are “1639”, by the Hampton General District Court dated October 2, 2018.

Commissioner's Exhibit 4 – Judgment Affidavit sworn to by Miguel A. Sosa stating that the last four digits of his Social Security Number are “1639” dated February 7, 2020.

Commissioner's Exhibit 5 – Virginia Uniform Summons (traffic) citing Miguel A. Sosa residing at 253 Beauregard Hgts, Hampton, Virginia (Property 1), date of birth July 18, 1969 and Operators License #T60392645.

Commissioner's Exhibit 6 – Virginia Uniform Summons (traffic) citing Miguel Angel Sosa Avila residing at 253 Beauregard Hgts, Hampton, Virginia (Property 1), date of birth July 18, 1969, and Operators License #T6039345.

Commissioner's Exhibit 7 – Report of Divorce or Annulment filed in the Circuit Court for the City of Hampton, Virginia in which the husband is named Miguel Angel Sosa, date of birth July 18, 1969, Social Security Number 230-67-1639, whose usual residence is 1269 North King Street, Hampton, Virginia (Property 2).

Based on the above, the evidence is clear and convincing that Miguel A. Sosa, Miguel Sosa Avila, Miguel Sosa-Avila, Miguel Angel Sosa Avila and Miguel Angel Sosa are one and the same person and a proper party.

3. Your Commissioner was directed to make the inquiries on the real properties named in the Decree of Reference and your Commissioner reports as follows:

Property 1 - 253 Beauregard Heights

The property is titled in the name of Miguel A. Sosa solely. (Exhibit C of Complaint) There is a deed of trust on the real property recorded as Document #130012787 dated July 17, 2013, to Samuel I. White P.C., Trustee securing Bank of America, N.A. in the original amount of \$203,100.00 due in full on or before August 1, 2043, and assigned to the Federal National Mortgage Association in Document #150013728 (Exhibit D of Complaint). Real estate taxes and storm water fees are current through June 2021 (Commissioner's Exhibit 8).

Property 2 – 1269 North King Street

The property is titled in the name of Miguel A. Sosa solely (Exhibit E of Complaint). There is a deed of trust on the real property recorded as Document #060021083 dated August 14, 2006 to PRLAP, Inc., Trustee securing Bank of

America, N.A. in the original amount of \$124,000.00 due in full on or before September 1, 2036, and assigned to OCWEN LOAN SERVICING, LLC in Document #170004783 (Exhibit F of Complaint). Real estate taxes are current and paid through June 2021 (Commissioner's Exhibit 9).

Property 3 – 400 Cedar Drive

The property is titled in the name of Miguel Sosa solely (Exhibit G). There is a credit line deed of trust on the real property recorded as Document #060020935 dated June 5, 2006, to PRLAP, Inc., Trustee, securing Bank of America, N.A. in the original amount of \$70,000.00 due in full on or before June 5, 2031 (Exhibit H of Complaint) and assigned to GREENWICH REVOLVING TRUST in Document #200000336 (Commissioner's Exhibit 10). A Substitute Trustee was appointed in Document #190005603. (Commissioner's Exhibit 1) A Notice of Default was filed by Citibank as Document #190005876. (Commissioner's Exhibit 12) Taxes on the real property are current through June 2021. (Commissioner's Exhibit 13).

Property 4 – 112 Beverly Street

The property is titled in the name of Miguel A. Sosa solely (Exhibit I of Complaint). There is a credit line deed of trust on the real property recorded as Document #060020687 dated June 5, 2006, to PRLAP, Inc., Trustee securing Bank of America, N.A. in the original amount of \$90,000.00 due in full on or before June 5, 2031 (Exhibit J of Complaint). Taxes are current through June 2021 (Commissioner's Exhibit 14).

Property 5 -329 Walnut Street

The Property is titled in the name of Miguel Sosa solely (Exhibit K of Complaint). There is no deed of trust recorded against the real property. Taxes on the real property are current through June 2021. (Commissioner's Exhibit 15).

Other Real Property – 431 Walnut Street

The property is titled in the name of Miguel Sosa solely (Commissioner's Exhibit 16). There is no deed of trust recorded against the real property. Taxes are current through June 2021. (Commissioner's Exhibit 17). There is an unsatisfied Judgment against the prior owner, Sheryl L. Jones, in the amount of \$768.10 dated December 22, 2011, which constitutes a prior lien on the property (Commissioner's Exhibit 18).

4. Your Commissioner finds that deed of trust liens are recorded against Property 1 in an original amount of \$203,100.00 in July 2013; Property 2 in an original amount of \$124,000.00 in August 2006; Property 3 in the original amount of \$70,000.00 in June 2006; and Property 4 in the original amount of \$90,000.00 in June 2006. The liens total \$487,100.00. The status of the liens, interest rates,

and monthly payments are unknown. All are first liens on the respective properties.

A Judgment by Midland Funding LLC against Miguel Sosa-Avila was docketed subsequent to the Plaintiff's Judgment and therefore is an inferior lien to Plaintiff's Judgment. A Judgment against a prior owner of "Other Property" was noted hereinabove and constitutes a valid lien on that real property.

5. The rental value of the properties are estimated from Exhibit N-A through N-5 of the Complaint. Rent for Property 1 was estimated at \$1,775.00/month; Property 2 at \$950.00/month; Property 3 at \$875.00/month; Property 4 at \$1,000.00/month; Property 5 at \$875.00/month. The Property at 431 Walnut is estimated by your Commissioner to be similar to Property 5 at \$875.00/month for a total potential rental income of \$6,350.00. The Judgment, that is sought to be collected by this proceeding, is for \$300,000.00 docketed in April 2018 with interest beginning in February 2004. At the Judgment rate of interest at six percent (6%), the annual interest is \$18,000.00, which totals well over \$310,000.00 currently. The annual rents minus estimated mortgage payments, taxes and insurance, would not be sufficient to satisfy the lien in five (5) years.
6. Your Commissioner estimates the fee simple value of the properties to be the value assessed by the City of Hampton, as follows:

Property 1	\$269,300.00
Property 2	\$116,700.00
Property 3	\$ 83,000.00
Property 4	\$135,300.00
Property 5	\$ 84,900.00
Other property (Walnut Street)	\$ 92,900.00
TOTAL ASSESSED VALUE	\$782,000.00

This does not take into account the condition of the interior of the properties and also the most recent increase in demand for real estate and the resulting substantial increases in sales prices. A sale of all of the properties may be sufficient to pay off the Judgment if the deed of trust notes are current, or at least satisfy a large portion of the Judgment.

7. If the Court entered an Order for the sale of the Properties, the Properties would be sold subject to the existing Deeds of Trust, Judgments and taxes, if any, by a Special Warranty deed. The burden would be on a purchaser of any of the Properties to clear these liens. Therefore, your Commissioner finds that the proper parties in interest are before the Court.

Therefore, your Commissioner recommends that the Plaintiff's relief be granted and that a Special Commissioner be appointed for the purpose of selling the Properties by means the Special Commissioner, with Court approval, deems appropriate to obtain the highest value from the Properties which are to be applied to the Special Commissioner's fees and toward payment of the Judgment.

Respectfully submitted,


J. Robert Harris, III, Commissioner

J. Robert Harris, III
34 West Queens Way
Hampton, VA 23669
VSB#15759
Telephone: (757) 722-2131
Facsimile : (757) 722-6411
bob@jrobertharrislaw.com

EXHIBIT 11

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF HAMPTON

CRUZ ELISA MATILDE DE SOSA,
AKA ELIZA SOSA,
Plaintiff,

v.

Case No.: CL19000496-00

MICHELLE IRENE SOSA,
Administratrix for the Estate of
Juan Manuel Sosa Avila
and

MIGUEL SOSA AVILA,
An Individual,
and

SAMUEL I. WHITE, P.C.,
Trustee,
and

NECTAR PROJECTS INC.,
Trustee,
and

EQUITY TRUSTEES, LLC,
Trustee,
and

PRLAP, INC.,
Trustee,
and

MIDLAND FUNDING LLC,
Judgment Creditor,
and

TIDEWATER FAMILY HEALTH
CENTERS LTD.,
Judgment Creditor,
and

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,
Creditor,
and

BANK OF AMERICA, N.A.,
Creditor,
and

SELECT PORTFOLIO SERVICING,
INC.,
Creditor,

Defendants.

**DECREE CONFIRMING COMMISSIONER'S REPORT
AND ORDERING SALE**

This cause came to be considered by the court upon all former proceedings herein and papers formerly read, including, but not limited to the Complaint filed, the Decree of Reference, and upon the report of the J. Robert Harris (the "Commissioner in Chancery"), filed June 14, 2021, to which report no exceptions have been filed.

Upon consideration whereof, it appears to the Court that the report of the Commissioner in Chancery, has been filed for more than sixty (60) days, and no exceptions have been filed, and the report is accordingly ratified, approved, and confirmed in all responses.

It appearing to the Court that the property is subject to the valid and binding liens set forth in the report of the Commissioner in Chancery, and it further appearing that the rents and profits from the hereinafter described property are not sufficient to satisfy the liens within a five (5) year period, the Court being in concurrence with the opinion of the Commissioner in Chancery, that the properties be sold to satisfy the liens binding thereon, the Court does ADJUDGE, ORDER AND DECREE, that the tracts of land be sold, and that GREG BLANCHARD, Esq. be, and is appointed Special Commissioner of this Court to make the sale of the real estate hereinafter described under the direction of the Court in this Cause.

And the Court does ORDER that GREG BLANCHARD, Special Commissioner, offer for sale by public auction and/or by retaining a real estate agent in order to maximize the sale price of tracts of land as follows that are situated in the City of Hampton, Virginia, to-wit:

- a. 253 Beauregard Heights, Hampton, Virginia 23669 ("Property 1")
- b. 1269 North King Street, Hampton, Virginia 23669 ("Property 2")
- c. 400 Cedar Drive, Hampton, Virginia 23669 ("Property 3")

- d. 112 Beverly Street, Hampton, Virginia 23669 ("Property 4")
- e. 329 Walnut Street, Hampton, Virginia 23669 ("Property 5")
- f. 431 Walnut Street, Hampton, Virginia 23669 ("Other Property")

The Court does further direct the Special Commissioner to report to the Court how he

proceeds under this decree.

ENTER: _____

Judge

DATE: _____

WE ASK FOR THIS:

Counsel for Plaintiff

By: _____

E. Wayne Powell, Esq. (VSB# 19550)
Powell Law Group, PC
14407 Justice Road
Midlothian, Virginia 23113-6902
Phone: (804) 794-4030
Facsimile: (804) 794-6576
wpowell@ewplg.com

Co-Counsel for Plaintiff

By: _____

Brian L. Fayman, Esq. (VSB# 80351)
KLIMA, PETERS & DALY, P.A.
8028 Ritchie Hwy., Suite 300
Pasadena, MD 21122
Phone: (410) 768-2280
bfayman@kpdlawgroup.com

SEEN AND _____

I certify that the document to which this authentication is affixed is a true copy of an original record in the Hampton Circuit Court, that I have the custody of the record and I am the custodian of that record.
Linda Bachelor Smith, Clerk

By: _____

Deputy Clerk

_____ 12/6/21

Miguel Sosa Avila, AKA Miguel A. Sosa
Defendant.

CERTIFICATE OF SERVICE

We hereby certify that a true copy of the foregoing Decree was mailed first class, postage prepaid, this 30th day of September 2021, to the following:

MICHELLE IRENE SOSA, Administratrix for the Estate of Juan Manuel Sosa Avila,
253 Beauregard Hts.,
Hampton, Virginia 23669;

MIGUEL SOSA AVILA, AKA MIGUEL A. SOSA, An Individual,
253 Beauregard Hts.
Hampton, VA 23669;

William Adam White, Registered Agent for:
SAMUEL I. WHITE, P.C., Trustee,
5040 Corporate Woods Dr,
Suite 120,
Virginia Beach, VA 23462;

Tina B. McDaniel, Registered Agent for:
NECTAR PROJECTS INC., Trustee,
1402 Ribbon Limestone Terrace SE
Leesburg, VA 20175;

Howard N. Bierman, Registered Agent for:
EQUITY TRUSTEES, LLC Trustee,
2101 Wilson Blvd.,
Suite 1004,
Arlington, VA 22201;

CT Corporation System, Registered Agent for:
PRLAP, INC., Trustee,
4701 Cox Road,
Suite 285,
Glenn Allen, VA 23060;

Corporation Service Company, Registered Agent for:
MIDLAND FUNDING LLC, Judgment Creditor
100 Shockoe Slip,
2nd Floor,
Richmond, VA 23219;

TIDEWATER FAMILY HEALTH CENTERS LTD., Judgment Creditor
P.O. Box 184
White Marsh, VA 23183;

Ron Jean, Registered Agent for:
FEDERAL NATIONAL MORTGAGE ASSOCIATION, Creditor,
3900 Wisconsin Avenue NW,
Washington, D.C. 20016;

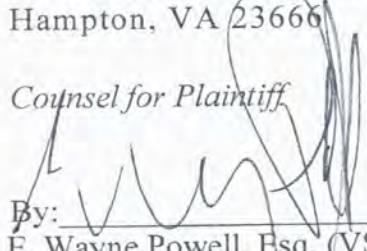
CT Corporation System Registered Agent for: BANK
OF AMERICA, N.A., Creditor,
4701 Cox Road,
Suite 285,
Glen Allen, VA 23060;

Corporation Service Company, Registered Agent for: SELECT
PORTFOLIO SERVICING, INC., Creditor,
100 Shockoe Slip, 2nd
Floor
Richmond, VA 23219;

J. Robert Harris, III
Hampton Commissioner in Chancery 34
Queens Way
Hampton, VA 23669

Greg Blanchard Special
Commissioner
2210 Executive Dr., Suite A
Hampton, VA 23666

Counsel for Plaintiff

By: 
E. Wayne Powell, Esq. (VSB# 19550)
Powell Law Group, PC
14407 Justice Road
Midlothian, Virginia 23113-6902
Phone: (804) 794-4030
Facsimile: (804) 794-6576
wpowell@ewplg.com

Co-Counsel for Plaintiff

By: 
Brian L. Fayman, Esq. (VSB# 80351)
KLIMA, PETERS & DALY, P.A.
8028 Ritchie Hwy., Suite 300
Pasadena, MD 21122
Phone: (410) 768-2280
bfayman@kpdlawgroup.com

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF HAMPTON

CRUZ ELISA MATILDE DE SOSA,
AKA ELIZA SOSA,
Plaintiff,

v.

Case No.: CL19000496-00

MICHELLE IRENE SOSA,
Administratrix for the Estate of
Juan Manuel Sosa Avila
and

MIGUEL SOSA AVILA,
An Individual,
and

SAMUEL I. WHITE, P.C.,
Trustee,
and

NECTAR PROJECTS INC.,
Trustee,
and

EQUITY TRUSTEES, LLC,
Trustee,
and

PRLAP, INC.,
Trustee,
and

MIDLAND FUNDING LLC,
Judgment Creditor,
and

TIDEWATER FAMILY HEALTH
CENTERS LTD.,
Judgment Creditor,
and

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,
Creditor,
and

BANK OF AMERICA, N.A.,
Creditor,
and

SELECT PORTFOLIO SERVICING,
INC.,
Creditor,

Defendants.

**MOTION FOR DECREE CONFIRMING COMMISSIONER'S
REPORT AND ORDERING SALE**

Comes now your Petitioner, Cruz Elisa Matilde De Sosa a/k/a Eliza Sosa, hereinafter (the "Petitioner") by Counsel, and respectfully moves the Court for the entry of the DECREE CONFIRMING COMMISSIONER'S REPORT AND ORDERING SALE, referring the sale of properties identified below to GREG BLANCHARD, Esq. to serve as Special Commissioner.

The report of the Commissioner in Chancery, has been filed for more than sixty (60) days, and no exceptions have been filed. The properties are subject to the valid and binding liens set forth in the report of the Commissioner in Chancery, and it further appears that the rents and profits from the hereinafter described property are not sufficient to satisfy the liens within a five (5) year period

The Petitioner further moves, that the tracts of land be sold, and that GREG BLANCHARD, Esq. as Special Commissioner of this Court make the sale of the real estate hereinafter described under the direction of the Court in this Cause.

The properties to be sold by GREG BLANCHARD as Special Commissioner, by way of public auction and/or by retaining a real estate agent in order to maximize the sale price of the tracts of land as follows that are situated in the City of Hampton, Virginia, to-wit:

- a. 253 Beauregard Heights, Hampton, Virginia 23669 ("Property 1")
- b. 1269 North King Street, Hampton, Virginia 23669 ("Property 2")
- c. 400 Cedar Drive, Hampton, Virginia 23669 ("Property 3")
- d. 112 Beverly Street, Hampton, Virginia 23669 ("Property 4")
- e. 329 Walnut Street, Hampton, Virginia 23669 ("Property 5")

f. 431 Walnut Street, Hampton, Virginia 23669 ("Other Property")

The Petitioner also moves that the Special Commissioner report to the Court how he proceeds under this decree in order to maximize the sale price.

ENTER: 

Judge

DATE: 12/6/21

WE ASK FOR THIS:

Counsel for Plaintiff

By: 

E. Wayne Powell, Esq (VSB# 19550)
Powell Law Group, PC
14407 Justice Road
Midlothian, Virginia 23113-6902
Phone: (804) 794-4030
Facsimile: (804) 794-6576
wpowell@ewplg.com

Co-Counsel for Plaintiff

By: 

Brian L. Fayman, Esq. (VSB# 80351)
KLIMA, PETERS & DALY, P.A.
8028 Ritchie Hwy., Suite 300
Pasadena, MD 21122
Phone: (410) 768-2280
bfayman@kpdllawgroup.com

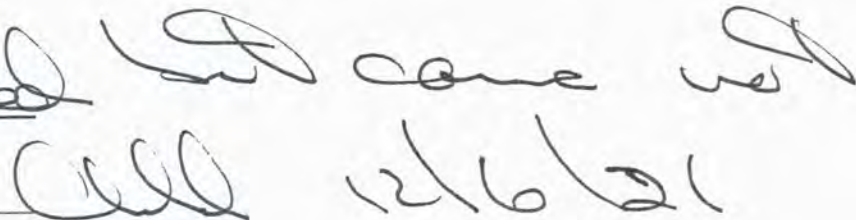
I certify that the document to which this authentication is affixed is a true copy of an original record in the Hampton Circuit Court, that I have the custody of the record and I am the custodian of that record.
Linda Batshell Smith, Clerk

By: 

Deputy Clerk

SEEN AND 

Miguel Sosa Avila, AKA Miguel A. Sosa
Defendant.


Call 12/6/21

CERTIFICATE OF SERVICE

We hereby certify that a true copy of the foregoing Decree was mailed first class, postage prepaid, this 30th day of September 2021, to the following:

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SAMUEL I. WHITE, P.C., Trustee,
5040 Corporate Woods Dr,
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Richmond, VA 23219;

TIDEWATER FAMILY HEALTH CENTERS LTD., Judgment Creditor
P.O. Box 184
White Marsh, VA 23183;

Ron Jean, Registered Agent for:
FEDERAL NATIONAL MORTGAGE ASSOCIATION, Creditor,
3900 Wisconsin Avenue
NW, Washington, D.C.
20016;

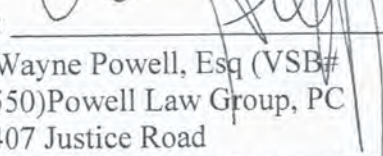
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SELECT PORTFOLIO SERVICING, INC., Creditor,
100 Shockoe Slip,
2nd Floor,
Richmond, VA 23219;


J. Robert Harris, III
Hampton Commissioner in
Chancery 34 Queens Way
Hampton, VA 23669

Greg Blanchard
Special Commissioner
2210 Executive Dr., Suite A
Hampton, VA 23669

Counsel for Plaintiff

By: 
E. Wayne Powell, Esq (VSB#
19550) Powell Law Group, PC
14407 Justice Road
Midlothian, Virginia 23113-6902
Phone: (804) 794-4030
Facsimile: (804) 794-6576
wpowell@ewplg.com

Co-Counsel for Plaintiff

By: 
Brian L. Fayman, Esq. (VSB# 80351)
KLIMA, PETERS & DALY, P.A.
8028 Ritchie Hwy., Suite 300
Pasadena, MD 21122
Phone: (410) 768-2280
bfayman@kpdlawgroup.com